THE

CODE OF CRIMINAL PROCEDURE,

WITH

ABSTRACTS PREFIXED TO EACH CHAPTER;

COPIOUS INDEX;

AND

TABLE OF CONTENTS.

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SCHEDULE.

THE CODE OF CRIMINAL PROCEDURE.

ACT No. XXV. OF 1861.

[*Received the assent of the G. G. on the 5th September* 1861.]

CHAPTER I.

OF DEFINITIONS.

Recites expediency of simplifying the procedure of Criminal Courts no established by Royal Charter.

1. Act to be called "Code of Criminal Procedure."

2. Rule of Interpretation.

3—20. Explain words, (3) "British India;" (4) "Special law;" (5) "Loca law;" (6) "moveable property;" (7) of "number;" (8) of "gender;" (9 "enquired into;" "determined;" (10) "written;" (11) "Criminal Court;" (12 "Court of Justice;" (13) "Court of Session;" (14) "Magistrate of the district;' (15) "Magistrate;" (16) "the powers of a Magistrate;" (17) "any of th powers of a Magistrate;" (18) "District;" "Division of a district;" (19 "Sudder Court;" (20) "Year," "Month."

Preamble.

WHEREAS it is expedient to simplify the Procedure o the Courts of Criminal Judicature no established by Royal Charter; It is en acted as follows:—

Short title.

1. This Act shall be called the Code o Criminal Procedure.

Interpretation.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject o context repugnant to such construction:—

"British India."

3. The words "British India" shall denote the territories that are or shall become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

"Special law."

4. The words "special law" shall denote a law applicable to a particular subject.

"Local law."

5. The words "local law" shall denote a law applicable only to a particular part of British India.

"Moveable property."

6. The words "moveable property" shall include corporeal property of every description, except land and things attached to the earth or permanently fastened to any thing which is attached to the earth.

Number.

7. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

8. Words importing the masculine gender shall include the feminine.

"Enquired into."

"Determined."

9. The words "enquired into" shall be deemed to comprise every proceeding preliminary to trial; and the word "determined" to comprise trial, and every subsequent proceeding, including the punishment of the offender.

"Written."

10. The word "written" shall include "printed," "lithographed," and "engraved."

"Criminal Court."

11 The words "Criminal Court" shall denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance or on appeal, or for commitment to any other Court or Officer.

"Court of Justice."

12. The words "Court of Justice" shall denote a Judge who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Session."

13. The words "Court of Session" shall, subject to the limitations in Section 22, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

"Magistrate of the District."

14. The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such Officer is called.

"Magistrate."

15. The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate."

16. The words "the powers of a Magistrate" shall imply the full powers of a Magistrate.

"Any of the powers of a Magistrate."

17. The words "any of the powers of a Magistrate" shall denote powers less than the full powers of a Magistrate.

"District."

18. The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

"Division of a District."

"Sudder Court."

19. In any part of British India to which this Act shall be extended, under the provisions of Section 445, the words "Sudder Court" shall denote the highest Criminal Court of Appeal or revision in such part established.

"Year."
"Month."

20. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British Calendar.

CHAPTER II.

OF THE JURISDICTION OF THE CRIMINAL COURTS.

21. The several grades of Criminal Courts shall have the respective jurisdictions assigned by this Act except as to offences otherwise provided for by special law. Court of Session may sentence to death, subject to confirmation by the Sudder, and pass all other sentences without confirmation. In Bombay, Assistant Sessions Judges may try cases by delegation, and pass sentence within narrower and specified limits, and subject to appeal to Sessions Judge.

Magistrates may exercise jurisdiction over offences punishable with 2 years' imprisonment and fine Rs. 1,000.

Subordinate Magistrates (1st Class,) over offences punishable with 6 months' imprisonment and fine Rs. 200; (2nd Class) imprisonment 1 month and fine Rs. 50.

No Officer inferior to Magistrate to sentence to solitary confinement.

22. Refers to Schedule, for specification of offences, and to clause 7 for specification of Courts having cognizance of them; and defines the powers (*a*) of Court of Session; (*b*) of Magistrate; (*c*) Subordinate Magistrate; (*d*) of Assistant Sessions Judge in Bombay, to punish.

23. Empowers Local Government to invest any person with the powers of a Magistrate or Subordinate Magistrate *ad hoc*.

24. 25. Criminal Courts to have jurisdiction over all persons not excepted by law or act of the Governor General in Council; and (25) no person by reason of birth, &c., to be exempted from Code of procedure, in Courts having jurisdiction *quoad* the person.

26. 27. Offences to be tried where committed, or (27) where consequential responsibility ensued; saving liability of European British subjects to Supreme Courts.

28. Abetment may be tried either where act of abetment or where the offence abetted was committed.

29. 30. Offences committed on the boundary of different districts may be tried in either district; and (30) committed on person or property *in transitu* by land or water, in any district in the course of the journey, &c.

31. Receivers of stolen property may be tried wherever the property is or has been in their possession, or wherever it was stolen.

32. Person charged as thug, or with murder as a thug, or with dacoity with or without murder, or as belonging to gang, &c., or wandering gang, may be brought before Magistrate of place where he is, and sent for trial to Court of Session.

33. Convicts under sentence escaping from custody, may be tried either where recaptured or where tried originally.

34. 35. Empowers Sudder Court to decide in case of doubt where the trial should be; and (35) to order transfer of case for trial to other Court.

36. Empowers Magistrates to change the place or venue for trials.

37—41. Empowers Magistrates and persons having powers of Magistrate to take proceedings for commitment of Europeans; and (38) empowers local Government to authorise Subordinate Magistrates to take such proceedings; but (39) no person not a Justice of the Peace shall commit or hold to bail European British subjects for Supreme Court trial; but (40) any Magistrate may receive complaint against British subject, and issue warrant for arrest for purpose of being brought before Justice of the Peace; and (41) such Justice of the Peace may proceed upon such arrest, (42) saves criminal appeal of British subject to Sudder, also as extended by Act. VII. 1853.

Offences cognizable by Criminal Courts.

21. The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code (Act XLV of

1860) or under any special or local law (except offences which are by any such law made punishable by some other authority therein specially mentioned), and in the investigation and trial of the offences hereby declared to be within their jurisdiction, shall be guided by the provisions of this Act.

By what Courts the offences mentioned in the Schedule are triable and within what limits such Courts may pass sentence.

22. The offences mentioned in the Schedule annexed to this Act shall, subject to the provision contained in the third explanatory note prefixed to the said Schedule, be triable by the Courts specified in Column 7 of the said Schedule, and such Courts shall be competent to pass sentence in respect of such offences within the following limits, (that is to say):—

Powers of Court of Session.

The Court of Session. Death (subject to confirmation by the Sudder Court). Transportation, imprisonment of either description for a period not exceeding fourteen years, including such solitary confinement as is authorized by law, or fine to an unlimited amount, or both transportation and fine, or imprisonment and fine in cases in which both punishments are authorized by the Indian Penal Code. In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

Assistant Sessions Judges in Bombay.

In the Presidency of Bombay it shall be lawful for a Sessions Judge to delegate cases for trial by an Assistant Sessions Judge: and such Assistant Sessions Judge shall be competent in such cases to pass sentences within the following limits:—Imprisonment of either description for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both. If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge. The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance), or may reverse their sentences or orders. It shall not be competent to an Assistant Sessions Judge to review or hear an appeal against the proceedings of a Magistrate.

The Magistrate of the District or other Officer authorized to exercise the powers of a Magistrate. Imprisonment of either description not exceeding the term of two years, including such solitary confinement as is authorized by law, or fine to the extent of one thousand Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Powers of the Magistrate of the District.

Subordinate Magistrates or Officers authorized to exercise any of the powers of a Magistrate.

1st. Class. Imprisonment of either description not exceeding six months, or fine not exceeding two hundred Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Powers of Subordinate Magistrates, 1st Class.

2nd Class. Imprisonment of either description not exceeding one month, or fine not exceeding fifty Rupees, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

2nd Class.

No sentence of solitary confinement, under Section 73 of the Indian Penal Code, shall be passed by any Court inferior to an Officer exercising the powers of a Magistrate.

23. The local Government may invest any person with the powers of a Magistrate or of a Subordinate Magistrate of the first or second class, as described in the last preceding Section, with a view to the exercise, by such person, of such powers under this Act or under any special or local law.

Local Government may invest any person with powers of Magistrate or Subordinate Magistrate.

24. The Criminal Courts shall have jurisdiction over all persons, except such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras, and Bombay, respectively, or by this Act or any other Act of the Governor-General of India in Council, are, or shall be, exempted from their jurisdiction.

Criminal Courts to have jurisdiction over all persons, except persons expressly exempted.

25. No person whatever shall, by reason of place of birth, or by reason of descent, be exempt from the rules of Criminal Procedure contained in this

No person exempted from Criminal Procedure

by reason of place of birth or of descent.

Proviso.

Act. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

Offence to be ordinarily tried in the jurisdiction where it is committed.

26. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined in the District or division of a District in which the offence was committed. Provided that nothing in this Section shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

Proviso.

May be tried in the jurisdiction where the act is done, or where the consequence ensues.

27. When a person shall be accused of the commission of any offence by reason of any thing which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District or division of a District in which any such thing shall have been done or any such consequence shall have ensued.

Abetment.

28. The abetment of an offence, wherever such abetment shall have taken place, may be enquired into or determined in any District or division of a District in which the offence abetted may be enquired into or determined by any Court which has jurisdiction to try such offence, as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed; or the abetment may be enquired into or determined in any District or division of a District within which the abettor has done any thing for abetting the commission of such offence.

Offence committed on boundary.

29. When any offence shall be committed on the boundary or boundaries of two or more Districts, whether subject to the same local Government or not, or of two or more divisions of a District, or shall be begun in one District or division of a District and completed in another, whether such Districts be subject to the same local Government or not, every such offence may be enquired into or determined in any of

such Districts or divisions of a District, in the same manner as if it had been actually and wholly committed therein.

Offence committed during journey, &c.

30 When any offence shall be committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed on any journey, or shall be committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be enquired into or determined in any District or division of a District through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if the offence had been actually and wholly committed in such District or division of a District; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two Districts or divisions of a District, such offence may be enquired into or determined in either of such Districts or divisions of a District, through or adjoining to, or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually and wholly been committed in such District or division of a District.

Receiving, &c., stolen property.

31. If any person be charged with any offence punishable under Section 411, 412, or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District or division of a District in which such person shall have, or shall have had, such stolen property in his possession, or in any District or division of a District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

Being a thug, &c.

32. Whenever any person is charged with being a thug, or with murder as a thug, or with Dacoity with or without murder, or with having belonged

to a gang of dacoits, or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits, the offence may be enquired into, in any District in which the accused person is, by any Magistrate competent to commit to a Court of Session, and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

Escape from lawful custody under sentence.

33. If any person shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence; or shall be charged with any offence punishable under Section 227 of the Indian Penal Code or under Section XII of Act XXIV of 1855 *(relating to Penal Servitude,)* the offence may be enquired into or determined, either in the District or division of a District in which such person shall be apprehended and retaken, or in the District or division of a District in which he was formerly tried, or in the case of an escape from custody, in the District in which he shall have escaped from custody.

Sudder Court to decide when doubt arises as to the jurisdiction where an enquiry shall take place.

34. Whenever any doubt shall arise as to the District in which any offence should be enquired into or determined, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended, to decide in which District the offence shall be determined.

Sudder Court may transfer any case from one jurisdiction to another.

35. It shall be competent to the Sudder Court to order the transfer of any criminal case or appeal from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction, or to order that any offence shall be enquired into or determined in any District, or division of a District, other than that in which the offence shall have been committed, whenever it shall appear to such Sudder Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

36. It shall be competent to the Magistrate of the District, or to a Magistrate in charge of a division of a District, to withdraw any criminal case from any Court subordinate to such Magistrate within his District or division, and to try the case himself, or to refer it for trial to any other such Court competent to try the same.

Magistrate may withdraw any case from a subordinate Court, and try it himself, or refer it to any other such Court.

37. It shall be competent to the Magistrate of the District, or to any other Officer exercising the powers of a Magistrate, to hold the preliminary enquiry into any cases triable by a Supreme Court of Judicature, and to commit or hold to bail persons to take their trial before such Court, and to exercise all the powers necessary for such purpose.

Commitment for trial before Supreme Court.

38. The local Government may empower any Subordinate Magistrate of the first or second class, not vested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any Supreme Court of Judicature, and may empower such Subordinate Magistrate to commit, or hold to bail, persons to take their trial before such Court of Session or Supreme Court, and to exercise all the powers necessary for such purpose.

Subordinate Magistrate may be empowered to prepare cases for trial before the Court of Session or Supreme Court.

39. No person who is not a Justice of the Peace shall commit, or hold to bail, any European British subject to take his trial before a Supreme Court of Judicature.

Only Justices of the peace empowered to commit European British subjects for trial.

40. When a European British subject is charged with an offence triable by a Supreme Court of Judicature, any Magistrate may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

Procedure when a European British subject is charged with an offence triable by Supreme Court.

41. When a European British subject has been arrested under a warrant, issued under the last preceding Section by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding,

Procedure when a European is arrested by an Officer not being a Justice of the Peace.

he shall forthwith forward the person arrested to a Justice of the Peace, or if the offence with which such person is charged is bailable, shall, if sufficient bail be tendered, admit him to bail for his appearance before a Justice of the Peace. When the person accused is brought or appears before a Justice of the Peace under this Section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the Supreme Court of Judicature.

Saving of jurisdiction given by 53 Geo. III. c. 155, s. 105.

42. Nothing in this Chapter shall interfere with the jurisdiction given by the Statute 53 George III. c. 155, s. 105, or Act VII of 1853 *(to extend the jurisdiction of Magistrates under the* 53 *George* III *c.* 155 *s.* 105, *in cases of assault, forcible entries, and other injuries accompanied by force not being felonies).* Provided that the jurisdiction given by the said Statute and the said Act shall be exercised only by a Justice of the Peace.

Proviso.

CHAPTER III.

PRELIMINARY RULES.

43. Evidence of complainants and witnesses to be taken on oath or affirmation, &c., according to law.

44. Out of fines, compensation may be ordered to injured party, subject to result of appeal in case appealable.

45. 46. Applies Sections 64 and 65 of Penal Code to fines where imprisonment also may be awarded; and (46) empowers Courts having limited power to punish to accumulate punishments, on separate convictions, beyond the limit, but cumulative imprisonment not to exceed 14 years, nor, if sentence be by Magistrate, to exceed twice the extent of the Magistrate's single power.

47. 48. Escaped convicts may be sentenced for term to commence from expiration of current sentence or from date; (48) same as to further sentences on all other convicts under sentence.

49. Empowers local Government to transfer convicts from one jail to another.

50—52. Court in sentencing to transportation not to name place; (51) Government of India to appoint place within British India, and local Government to remove to such place; (52) except in case of sentence on convicts in such place.

53. Sentence of death to direct hanging by the neck until dead.

54. Empowers local or general Government to remit punishment with or without conditions.

55. No person to be tried for same offence after one conviction or acquittal, except for culpable homicide, in case of death happening after first conviction or acquittal.

56. 57. 58. 59. 60. Person charged with criminal breach of trust under Section 405 of Indian Penal Code, or as carrier, wharfinger, and warehouse-keeper, under Indian Penal Code, Section 407; or (57) as clerk or servant, under Indian Penal Code, Section 408, may be convicted instead, of kindred offence under Sections 378, 381; and (58) *vice versa* any person charged with theft under Section 378 of Indian Penal Code, or under Section 380, may be convicted of criminal misappropriation or of breach of trust under Sections 403, 405; and (59) clerk or servant charged with theft under Section 381, may be found guilty of criminal misappropriation under Section 403 or Section 404, as the case may be, or of criminal breach of trust under Section 405 or Section 408, as the case may be; and (60) no person found guilty under the provisions of these 4 Sections, 56, 57, 58, 59, shall be tried a second time on same facts.

61. Court sentencing to a fine may issue warrant to levy it.

62. 63. Empowers Magistrate to give such directions respecting property in possession, as may be likely to prevent danger, &c., or riot or affray; and (63) to issue injunction not to repeat or continue public nuisance.

Complainants and witnesses to be examined according to law for time being in force.

43. In all Criminal Courts complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Court may apply portion of fine in compensation for loss or damage caused, &c.

44. In cases in which by the sentence or order of any Criminal Court a fine is imposed upon a conviction for any offence made punishable by fine, whether the offence be punishable or punished by fine only or otherwise, it shall be lawful for such Court to order that the fine or any part thereof, not exceeding the loss appearing to be caused to the person who has suffered by such offence, and any special damage of a pecuniary nature that may have resulted to such person by such offence, and any expenses incurred by the complainant in the prosecution, as the Court may consider reasonable and proper, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine when levied or paid shall be paid and distributed accordingly. If the fine be awarded by a Court

whose decision is subject to revision, the amount awarded to the person injured shall not be paid to such person until a period of two months shall have elapsed from the date of the award.

Imprisonment in default of payment of fine.

45. In every case punishable with imprisonment as well as fine in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine. Provided that in every such case decided by a Magistrate, the period of imprisonment awarded in default of payment of the fine shall, in no case, exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso.

Sentence in cases of conviction of two or more offences.

46. When a person shall be convicted at one time of two or more offences punishable under the same or different Sections of the Indian Penal Code, it shall be lawful for the Court to sentence such person for the offences of which he shall have been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties when consisting of imprisonment to commence the one after the expiration of the other. It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which such Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court. Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years; and provided also that if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which such Magistrate is by his ordinary jurisdiction competent to inflict.

Proviso.

Currency of sentence of escaped convicts.

47. When sentence shall be passed on an escaped convict for such escape or for any other offence, the Court may direct such sentence to take effect immediately, or after such escaped convict shall have suffered imprisonment or transportation, as the case may be, for a further

period equal to that which remained unexpired of his former sentence at the time of his escape.

Judgment on offender already imprisoned under sentence for another crime.

48. When sentence shall be passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct that such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, or if such person shall be undergoing a sentence of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately or at the expiration of the imprisonment to which such person shall have been previously sentenced. Provided that nothing in this Section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

Local Government may order removal of a prisoner from one jail to another.

49. When any person is sentenced to imprisonment, it shall be lawful for the local Government to order the removal of such person during the period prescribed for his imprisonment from the jail or place in which he is confined, to any other jail or place of imprisonment within the jurisdiction of the same local Government.

Place of transportation not to be specified in sentences.

50. When any person shall be sentenced to transportation, the Court passing the sentence shall not specify in its sentence the place to which such person shall be sent for the purpose of undergoing the sentence.

Governor-General in Council to appoint a place or places.

Local Government to direct removal of persons sentenced to such place or places.

51. It shall be lawful for the Governor-General of India in Council from time to time to appoint a place or places within British India to which persons sentenced to transportation shall be sent: and the local Government, or some Officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed.

52. When sentence of transportation shall be passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the local Government to order the removal of such person from the place in which he is so undergoing transportation.

Execution of sentences of transportation passed on persons already undergoing transportation under a previous sentence.

53. When any person shall be sentenced to death, the sentence shall direct that such person be hanged by the neck till he is dead.

Sentence of death.

54. When any person has been sentenced to punishment for an offence, the Governor-General of India in Council, or the local Government, may, at any time, without conditions, or upon any conditions which such person shall accept, remit the whole or any part of the punishment to which he shall have been sentenced.

The Governor-General in Council or the local Government may remit a punishment.

55. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence. Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death shall not have resulted, or shall not have been known by the Court which passed sentence to have resulted.

Party tried upon formal charge not liable to renewed prosecution. Proviso.

56. If upon the trial of any person charged with the offence of criminal breach of trust under Section 405 of the Indian Penal Code, or of criminal breach of trust as a carrier, wharfinger, or warehouse-keeper under Section 407 of the said Code, it shall be proved that such person took the property in question in any such manner as to amount to the offence of theft under Section 378 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section

A person charged with criminal breach of trust may be found guilty of theft.

378, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said Section 378.

A person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

57. If upon the trial of any person charged with the offence of criminal breach of trust as a clerk or servant under Section 408 of the Indian Penal Code, it shall be proved that such person took the property in question in any such manner as to amount to the offence of theft under Section 378 of the said Code, or the offence of theft as a clerk or servant of property in possession of his master under Section 381 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 378 or Section 381, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

A person charged with theft may be found guilty of misappropriation or breach of trust.

58. If upon the trial of any person charged with the offence of theft under Section 378 of the Indian Penal Code, or the offence of theft in a building, tent, or vessel under Section 380 of the said Code, it shall be proved that he took the property in question in any such manner as to amount to the offence of dishonest misappropriation of property under Section 403 of the said Code, or the offence of criminal breach of trust under Section 405 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the said offence under the said Section 403 or Section 405, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

A person charged with theft as a servant may be found guilty of misappropriation.

59. If upon the trial of any person charged with the offence of theft as a clerk or servant of property in the possession of his master, under Section 381 of the Indian Penal Code, it shall be proved that he took the property in

question in any such manner as to amount to the offence of dishonest misappropriation of property under Section 403 of the said Code, or the offence of dishonest misappropriation of property possessed by a deceased person at the time of his death under Section 404 of the said Code, or of such dishonest misappropriation under the said Section 404, the offender being at the time of the person's decease employed by him as a clerk or servant, or the offence of criminal breach of trust under Section 405 of the said Code, or the offence of criminal breach of trust as a clerk or servant under Section 408 of the said Code, he shall not be entitled to be acquitted, but the Court, or the Jury in a case tried by Jury, shall be at liberty to find that such person is not guilty of the offence charged, but is guilty of the offence under the said Section 403, Section 404, Section 405, or Section 408, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such Section.

No person charged under the last four Sections, and found guilty, liable to be charged again.

60. No person charged and tried for an offence under any Section of the Indian Penal Code in the last four Sections of this Act mentioned, and found guilty of another offence under the provisions of any other of the said Sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the Section under which he was charged, or under the Section under which he was found guilty.

Levy of fines.

61. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any moveable property belongin to the offender which may be found within the jurisdiction of the Magistrate of the District.

Magistrate may issue orders to prevent obstructions, &c.

62. It shall be lawful for any Magistrate, by a written order, to direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his man-

agement, whenever such Magistrate shall consider that such direction is likely to prevent, or tends to prevent, obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury, to any persons lawfully employed, or is likely to prevent, or tends to prevent, danger to human life, health, or safety, or is likely to prevent, or tends to prevent, a riot or an affray.

Magistrate may prohibit the repetition or continuance of public nuisances.

63. Any Magistrate may enjoin any person not to repeat or continue public nuisance.

CHAPTER IV.

OF THE SUMMONS.

64—68. Process to compel appearance may be by summons or warrant (65) to be obtained by complaint (66) before Magistrate, on oath and signed by complainant; and (67) said process to be issued thereupon if ground sufficient, otherwise to be dismissed; or (68) except as is specially provided for in Section 11, to be issued without complaint on Magistrate's own personal cognizance, except for offences under Indian Penal Code, Chapters 19, 20, 21.

69—72. Summons to be in form A. of Schedule; (70) to be addressed ordinarily to Police Officer; and (71) served personally, or if accused cannot be found, left with adult male of family; or if none such (72) to be posted on house.

73. 74. Warrant to arrest may be issued notwithstanding previous summons; and (74) either may be issued against person in the District for suspected offence committed out of the jurisdiction.

75. All summonses under this Act to be according to rules of the Act.

Proceeding to compel appearance.

64. When an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the person known or suspected to have committed such offence to appear for the purpose of enquiry concerning the same, may be by summons or arrest.

Complaint.

65. A summons or a warrant of arrest may be obtained on a complaint as hereinafter provided.

Examination of complainant.

66. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District, or a Magistrate who is authorized to receive such com-

plaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant. The examination shall be reduced into writing, and shall be signed by the complainant, and also by the Magistrate.

Magistrate how to proceed on complaint.

67. The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or in cases in which a warrant may issue, his warrant for causing the person accused to appear before himself or some other Magistrate having jurisdiction. If in the judgment of such Magistrate there be no sufficient ground for proceeding, he shall dismiss the complaint.

Magistrate may take cognizance of offences without complaint made.

68. Except as is otherwise provided in Chapter XI of this Act, the Magistrate of the District, or a Magistrate in charge of a division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person. The provisions of this Section shall not apply to the offences described in Chapters XIX, XX, and XXI of the Indian Penal Code.

Proviso.

Summons, what it is to contain, and how to be directed.

69. Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the form (A) given in the Appendix, or to the like effect.

Summons by whom to be served.

70. A summons shall ordinarily be issued through a Police Officer; but the Magistrate issuing the summons may, if immediate service be necessary and no Police Officer be immediately available, direct the summons to be served by any other person.

Summons how to be served.

71. The summons shall be served on the accused personally, or in case the accused person shall not be found, it may be left for him with some adult male member of his family residing with him.

Mode of service if accused cannot be found, &c.

72. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving Officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

Notwithstanding summons, warrant may issue in certain cases.

73. A Magistrate may (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Summons or warrant when grantable for an offence committed beyond local jurisdiction.

74. The Magistrate of the District, or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Provisions in this Chapter relating to a summons and its issue applicable to all summonses.

75. The provisions relating to a summons and its issue contained in this Chapter, shall be applicable to every summons issued under this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

76—80. Warrant to be executed, signed and sealed, and in form B. of Schedule; and (77) ordinarily to be directed to Police Officer; or (78) if to other person, he may be aided by person at hand; and (79) if directed to several may be executed by all or any of them; or (80) if directed to Police Officer may be endorsed for execution by any other Police Officer.

81. Magistrate may aid in execution of his own warrant, and personally direct arrest without a warrant.

82. All persons bound to assist Magistrate or Police in suppression of riot and in other specified cases.

83—85. Warrant ordinarily to be executed within jurisdiction of the Magistrate who issued it; but (84) may be executed anywhere else, and party arrested to be taken before Magistrate of place where arrest is made, who for

bailable charge may take bail, or forward prisoner to proper Magistrate; but if (85) the arrest be within 20 miles of place of issue of warrant, prisoner may be taken to Magistrate who issued warrant.

86. 87. Warrants for arrest may be sent by post to Magistrate of another place for execution, or (87) in Presidency Town to Chief Commissioner or Police Magistrate.

88. 89. On arrest of person under Section 74 in respect of an offence known or suspected in another jurisdiction, Magistrate, unless competent to complete the enquiry, may bail or forward prisoner to proper District, or apply to Sudder Court for directions, except (89) in case of arrest by Subordinate Magistrate, who must send to his immediate superior in first instance.

90—95. Police Officer making arrest, to notify substance of and show the warrant; and (91) touch of the person is necessary to complete the arrest, except in case of voluntary submission; and (92) in case of forcible resistance, necessary means may be used to effect arrest; and (93) Officer may after demand enter house of third person; and (94) may break open outer or inner door after demand, and (95) apartments of native females, the women previously being warned to retire.

96. Person arrested not to be put under greater restraint than is necessary to prevent escape.

97. Arresting Officer to take prisoner without delay before proper Magistrate.

98. Police Officer, &c., not to hold out inducement to prisoner to make disclosure, nor to caution him against doing so.

99. These provisions to apply to all warrants issued under this Act.

Form of warrant.

76. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the form (B) given in the Appendix, or to the like effect.

Warrants to whom to be directed.

77. A warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing a warrant may, if immediate service be necessary and no Police Officer be immediately available, direct the warrant to any other person.

When directed to any person other than a Police Officer.

78. When a warrant is directed to a person other than a Police Officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

To several persons jointly.

79. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

80. A warrant directed to a Police Officer may also be executed by any other Police Officer whose name shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

Police Officer may endorse warrant to another Officer.

81. The Magistrate by whom a warrant of arrest is issued may attend personally for the purpose of seeing that the warrant is duly executed. The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

Magistrate issuing a warrant may personally superintend its execution.

82. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the prevention of a breach of the peace, or in the suppression of a riot or an affray, or in the taking of any other person whom such Magistrate or Police Officer is authorized to arrest.

All persons bound to assist in certain cases.

83. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Where a warrant of a Magistrate must be executed.

84. When any person against whom a warrant is issued by a Magistrate shall escape, go into, or be, in any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place, and if the person against whom the warrant is issued is arrested in such place, the Police Officer, or other person executing the warrant, shall carry him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made. If the offence with which the person arrested is charged be bailable, and such person shall be willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom such person is brought, shall take bail of such person for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued. If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued. If the arrest be made

Warrant executed in another jurisdiction.

If arrest be made within jurisdiction of a Supreme Court.

within the local limits of the jurisdiction of a Supreme Court of Judicature, the person accused, when arrested, shall be taken before the Chief Commissioner of Police or a Police Magistrate. Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

If arrest be made within 20 miles, person arrested may be carried before the Magistrate who issued the warrant.

85. If the place of arrest, under the last preceding Section, be within twenty miles from the place at which the warrant was issued, the person arrested may be carried, in the first instance, before the Magistrate who issued the warrant.

Warrant to be endorsed may be sent by post.

86. It shall be competent to a Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, to direct the warrant to the Magistrate of the District in which such person is, or is supposed to be, and to transmit the same by post. On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had been originally issued by himself. If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed the warrant, and shall be dealt with by such Magistrate as provided in Section 84 of this Act.

Warrants for execution within limits of Supreme Court to be addressed to Chief Commissioner or Magistrate of Police.

87. A warrant issued under the last preceding Section for execution within the local limits of a Supreme Court of Judicature, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in Section 84 of this Act.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

88. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of Section 74 of this Act, in respect of an offence known or suspected to have been committed in another District, or division of a

District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable. When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the Sudder Court.

Subordinate Magistrate how to proceed in such cases.

89. If the arrest was made under a warrant issued under Section 74 of this Act by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence is suspected to have been committed, shall issue his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police Officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued. If the offence of which the person arrested is suspected shall have been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under Section 74 of this Act, shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

Notification of substance of warrant.

90. A Police Officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Warrant how to be executed.

91. In making an arrest, the Police Officer or other person executing the warrant, shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting an endeavour to arrest.

92. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer or other person executing the warrant, to use all such means as may be necessary to effect the arrest.

93. If there is reason to believe that any person, against whom a warrant has been issued, has entered into, or is within any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer or other person executing the warrant, to allow such Police Officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Search of house entered into by person against whom warrant has been issued.

94. The Police Officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused, or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

95. If information be received that a person accused of any offence, for which a warrant may issue, is concealed in a zenanah or apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Police Officer or other person employed to execute the warrant, shall take such precautions as may be necessary to prevent the escape of the accused person, and if the accused person shall not deliver himself up, the Police Officer or other person authorized to execute the warrant may, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance, break open such zenanah or apartment, and execute the process entrusted to him; first giving notice to any woman as aforesaid in such zenanah or apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and affording her every reasonable facility for withdrawing.

Breaking open a zenanah or female apartment.

96. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint

97. The Officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

Party arrested to be brought immediately before the Magistrate.

98. No Police Officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

No threat, promise, or caution, as to disclosure by party arrested.

99. The provisions relating to a warrant and its issue contained in this Chapter, shall be applicable to every warrant issued under this Act.

Provisions in this Chapter relating to a warrant and its issue applicable to all warrants

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CHAPTER VI.

OF ARREST WITHOUT WARRANT.

100. 101. In following cases Police Officer may arrest without warrant; (1) for offences committed in his sight as specified in Column 3 of Schedule of this Act; (2) for same offences on complaint or suspicion; (3) persons under hue and cry; (4) proclaimed offenders; (5) persons found with stolen property; and (6) persons obstructing the Police in execution of duty; and (101) lurkers, &c., reputed robbers, house-breakers, thieves, receivers, and persons of notorious bad lives.

102. Police may prevent and interpose for prevention of offences in Column 3 of Schedule of this Act.

103. 104. Police receiving shall also report information of design to commit such offences; and (104) of knowing of such design may arrest without warrant the designer.

105. Police Officer may prevent injury to any public building, work of art, road, bridge, tank, well, &c.

106. 107. Police to be allowed by occupiers to search houses for persons whom they have power to arrest without warrant; and (107) if ingress be refused, they may take means to prevent escape of concealed persons.

108. Police may detain persons under suspicion who refuse to give their name or give a false name.

109. Persons arrested without warrant, to be sent to Magistrate or Police Superintendent without delay.

110. Magistrate may order any person to arrest for offence committed in his view.

111. Magistrate or Police Station Officer may command unlawful assembly to disperse.

Police Officer may arrest without warrant in certain cases.

100. A Police Officer in the cases hereinafter mentioned may, without orders from a Magistrate and without a warrant, arrest—

First.—Any person who in the sight of such Police Officer shall commit an offence specified in Column 3 of the Schedule annexed to this Act, as an offence for which Police Officers may arrest without a warrant.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly.—Any person who is a proclaimed offender.

Fifthly.—Any person who is found with stolen property in his possession.

Sixthly.—Any person who shall obstruct a Police Officer while in the execution of his duty.

Vagabonds.

101. An Officer in charge of a Police Station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such Station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, or any person who is a reputed robber, house-breaker, thief, receiver of stolen property knowing it to be stolen, or who is of notoriously bad livelihood.

Police may interfere to prevent offences.

102. It shall be the duty of every Police Officer to prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in Column 3 of the Schedule annexed to this Act as an offence for which Police Officers may arrest without a warrant.

Information to be communicated.

103. It shall be the duty of a Police Officer who shall receive information of a design to commit any such offence, to communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whom it may concern, to prevent or take cognizance of the commission of any such offence.

104. A Police Officer, knowing of a design to commit any such offence as aforesaid, may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

May arrest to prevent offences.

105. A Police Officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank, well, or water-channel, or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

Injury to public property.

106. If there is reason to believe that any person liable to arrest under this Chapter without a warrant, of whom a Police Officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police Officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Person in charge of house entered into by another of whom Police Officer is in search to allow ingress, &c.

107. If ingress to such house or place cannot be obtained under the last preceding Section, the Police Officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested, and send immediate information to a Magistrate. If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police Officer may make an entry into such house or place and search therein.

Procedure if ingress be not obtained.

108. Any person who is known or suspected to have committed an offence for which a Police Officer is not authorized to arrest without a warrant, and who shall refuse on demand of a Police Officer to give his name and residence, or shall give a name or residence which there is reason to believe to be false, may be detained by such Police Officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Person charged with an offence refusing to give his name and residence.

Party arrested to be taken immediately before the proper authority.

109. A Police Officer having made an arrest under this Chapter, shall take or send the person arrested without unnecessary delay before the Magistrate who has jurisdiction in the case, or before the Officer in charge of a Police Station.

Arrest for an offence committed in the presence of a Magistrate.

110. When any offence is committed in the presence of a Magistrate, such Magistrate may order any person to arrest the offender, and may thereupon commit him to cusody, or if the offence is bailable, may admit him to bail.

Unlawful assembly to disperse on the order of a Magistrate, &c.

111. A Magistrate or Officer in charge of a Police Station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such unlawful assembly to disperse accordingly.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

112. 113. Person lawfully arrested escaping may be re-taken, and on fresh pursuit followed into another jurisdiction; and (113) for purpose of re-taking, Police to have same powers as for original arrest.

Person arresting may re-take on escape and deal with the party arrested as on original taking.

112. If a person lawfully arrested under the provisions of this Act shall escape, or be rescued, it shall be lawful for the Police Officer or other person from whose custody the person so arrested shall have escaped, or have been rescued, to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and to deal with such person as such Police Officer or other person might have done on an original taking.

May adopt the same measures as on original taking.

113. In order to re-take any person, as provided in the last preceding Section, the Police Officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

114. Search warrant may be granted for any thing essential for purposes of enquiry; and Magistrate may specify in warrant place alone to be searched.

115—119. Search warrant ordinarily to be directed to Police Officer, or if no Police Officer be available, to any other person; and (116) if directed to a Station Officer, may on occasion be endorsed over by him to his subordinate for execution; and (117) for execution in another jurisdiction must be endorsed by Magistrate unless addressed to him; and (118) in case the delay of getting the endorsement would defeat the object of the warrant, it may be executed without Magistrate's endorsement; but thing found must be taken in first instance after execution to him, or (119) to Chief Commissioner or Police Magistrate in Presidency Town.

120. 121. Magistrate may order search to be made in any other jurisdiction than his own, without endorsement, sending information to the Magistrate, &c., of the place: or (121) he may send warrant by post to the Magistrate of the place for execution, who shall execute it as if issued by himself, first endorsing his name upon it.

122. Person in charge of place to be searched to allow every facility for the purpose.

123—126. Outer and inner doors and windows may be broken open after notification and admittance not otherwise obtained; but (124) zenana not to be entered till after warning to female inmate to withdraw; and (125) all searches under this Chapter to be made in presence of two inhabitants, and of the occupier of house searched if he pleases; and (126) search of female person to be made with strict regard to customs of the country.

127. Upon information of place, &c., used for deposit, &c., of stolen property, or forged documents, or stamps or materials, &c., for false coining or for forging, Magistrate may authorize Police Officer to search and seize.

128. Magistrate may personally execute his own search warrant.

129—132. Head Officer of Police Station, without warrant, may enter shop, &c., to inspect and search for weights, &c., on suspicion that false ones are therein, and may seize the false ones, giving immediate information to the Magistrate; and also (130) reporting every seizure of property under circumstances of suspicion; and (131) if property seized is unclaimed, it is to be proclaimed and after six months sold; and (132) property to be at disposal of Government, if no claimant appears and person from whom seized cannot show good title.

When grantable by a Magistrate.

114. When a Magistrate shall consider that the production of any thing is essential to the conduct of an enquiry into an offence known or suspected to have been committed, he may grant his warrant to search for

such thing; and it shall be lawful for the Officer charged with the execution of such warrant to search for such thing in any house or place within the jurisdiction of such Magistrate. In such case the Magistrate may specify in his warrant the house or place, or part thereof, to which only the search shall extend.

How to be directed.

115. A search warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing the search warrant may, if immediate search is necessary and no Police Officer be immediately available, direct the warrant to any other person.

A warrant to a Police Officer may be executed by another.

116. A search warrant directed to an Officer in charge of a Police Station may, if such Officer is not able to proceed in person, be executed by any Officer subordinate to such Officer. In such case the name of such subordinate Officer shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

How to be executed out of jurisdiction of the Magistrate.

117. When it shall be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the Police Officer charged with the execution of such warrant to execute the same within the said jurisdiction, or the search warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and such Magistrate shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

Search warrants may, in cases of emergency, be executed without endorsement.

118. In any case in which there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police Officer charged with the execution of the search warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is

situate. If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and who, unless there be good cause to the contrary, shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

Thing found to be taken immediately to the Magistrate within whose jurisdiction it is found.

119. If the thing searched for be found within the local limits of a Supreme Court of Judicature, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in the last preceding Section.

Procedure in such cases within local limits of Supreme Court.

120. In any case in which it may appear necessary, a Magistrate may, by the warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made. When a Magistrate issues a warrant under this Section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any Supreme Court of Judicature, he shall inform the Chief Commissioner of Police of the issue of such warrant.

Magistrate may, when necessary, issue search warrant to be executed in the jurisdiction of another Magistrate.

121. It shall be competent to a Magistrate issuing a warrant for the search of any house or place out of the jurisdiction of the Magistrate of the District, to direct the warrant to the Magistrate of the District in which such house or place is situate, and to transmit the same by post. On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name on the warrant and enforce its execution in the same manner as if the warrant had been originally issued by himself. If the warrant is to be executed within the local limits of any Supreme Court of Judicature, it shall be addressed to the Chief Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in Sections 118 and 119 of this Act.

Magistrate may send search warrant by post to the Magistrate of another District.

Procedure to be observed by such Magistrate

122. If the house or place to be searched is closed, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Officer or other person executing the warrant, to allow such Officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Persons in charge of dwelling house, &c., to allow the search.

123. A Police Officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Place to be searched may be broken open.

124. If the place ordered to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Officer or other person charged with the execution of the warrant shall give notice to such woman in such zenanah or apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw, and, after giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer or other person may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of zenanah or female apartment.

125. The search of any house or place under this Chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but such persons shall not be required to attend the Court of the Magistrate as witnesses unless specially summoned by such Magistrate. The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Search of house, &c., to be made in the presence of witnesses.

Occupant of the place searched may attend.

126. In any case in which it shall be necessary to cause a female to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching females.

Search of house, &c., suspected to contain forged documents, &c.

127. If the Magistrate of the District or a Magistrate in charge of a division of a District, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government Stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging, or that any forged documents or counterfeit stamps or false seals or any counterfeit coin or instruments or materials used for counterfeiting coin or for forging, are kept or deposited in any house or other place, he may by his warrant authorize any Police Officer above the rank of a constable, peon, or burkundaz to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as shall be specified in the warrant, and to seize and take possession of any stolen property, documents, stamps, seals, or coins therein found which he may reasonably suspect to be forged, stolen, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Magistrate may attend personally.

128. The Magistrate by whom a search warrant is issued, may attend personally for the purpose of seeing that the warrant is duly executed. The Magistrate may also direct a search to be made in his presence of any house or place, for the search of which he is competent to issue a search warrant.

Inspection of weights and measures used in shops.

129. An Officer in charge of a Police Station may, without a warrant, enter any shop or premises within the limits of such Station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he shall have reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false. If such Police Officer shall find in such shop or premises any weights, measures, or instruments that are false, he may seize the same and shall forthwith give information of such seizure to the Magirate having jurisdiction

130. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

Procedure by Police Officer upon seizure of stolen property found on an offender.

131. When any such property shall be unclaimed, the Magistrate of the District may detain the same and shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim to the property to appear and establish his claim thereto within six months from the date of such proclamation.

Procedure if such property be unclaimed.

132. If no person shall, within the period allowed, claim such property, and if the person in whose possession such property was found shall be unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District.

Procedure if no claimant appear within six months from date of proclamation.

CHAPTER IX.

PRELIMINARY ENQUIRY BY THE POLICE.

133—137. Police prohibited enquiring (unless ordered by Magistrate) of offences under Indian Penal Code, except Column 3 of Schedule of this Act, being offences for which arrest may be made without warrant; except (134) enquiries under special law, &c ; and (135) in regard to offences for which arrest may be made without warrant, Police are to give immediate notice of information to the Magistrate and proceed to the spot, &c., and Magistrate may depute Officer to enquire, &c. ; but (136) in cases against known persons, &c., Police need not, unless necessary, proceed to the spot ; nor (137) if no sufficient ground for enquiry appears, in which case report only to be made to Magistrate.

138. Imposes on all persons the duty of giving information of offences under Sections 382, 393,—399, 402, 435 436, 449, 450, 456,—460 of Indian Penal Code.

139. 140. Police Officer of Station to reduce every complaint to writing, &c. ; and (140) every order of Station Officer to Subordinate to arrest without warrant shall be made in writing.

141. Police for purpose of arresting without warrant, may pursue offender beyond their own jurisdiction.

142. 143. Police Station Officer may search house, &c., within limits of Station, in person, or if he cannot he may depute Subordinate of his own, by written order to make search subject to rules in Sections 122—125 of this Act; or (143) may depute Subordinate of another Police Station.

144—150. Station Officer may require the attendance of witnesses before himself, and (145) examine orally and reduce their statement to writing, but it shall not be evidence; and (146) no inducement, by threat, promise, or otherwise, shall be held out to accused to make disclosure, &c.; nor (147) shall statement, &c., of accused to Police be recorded; nor (148) be used as evidence against him; nor (149) if made to any other person while in custody of Police, unless made before a Magistrate; but (150) Police may give evidence of statements, &c., of prisoner in connection with facts, &c.

151. Person arrested to be forwarded to Magistrate if case against him and offence be not bailable. Enquiries by Subordinate Officers to be reported, &c.

152. 153. Police Officer not to detain accused longer than 24 hours in any case without order, &c.; and (153) may discharge him on bail or recognizance, if no reasonable case against him.

154. Police Officer to keep diary of enquiries made by himself, &c., and diary to be daily sent to District Superintendent, who may bring it to notice of Magistrate.

155. Report of Police Officer of enquiry to be in form to be prescribed by Government, and report to be sent to Magistrate with necessary articles seized.

156—158. Offences in Column 5 of Schedule of Act not to be bailable, if guilt be probable, but all other offences to be bailable; and (157) excessive bail not to be demanded; and (158) prosecutor and witness to be bound by Police to appear before Magistrate, and forwarded with report, duplicate of which to be furnished to prosecutor, &c.

159. Police not to subject any prosecutor or witness to unnecessary restraint, &c., nor to require other security than recognizance, but may forward them to Magistrate if they refuse to execute recognizance.

160. Station Officer to report to Magistrate all persons apprehended, and such persons are not to be discharged except on bail, &c.

161. Station Officer on receiving information of an unnatural or sudden death, to report same to Magistrate, and enquire into circumstances in presence of inhabitants, &c., and to report the proceedings; and in case of doubt as to cause of death, to forward body to Civil Surgeon.

162. Powers of Station Officer who is absent to be exercised by his next in rank or station, above peon or burkundaz.

Police Officers to make enquiry into certain offences only when directed to do so by Magistrate.

133. No Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in Column 3 of the Schedule annexed to

this Act, as offences for which a Police Officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under the Indian Penal Code or under any special or local law

Saving of powers vested in Police Officers by any special or local law.

134. Nothing in the last preceding Section shall be held to interfere with the exercise of any powers which are vested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law

Upon complaint preferred, Officer in charge of Police Station to proceed in person or depute a subordinate Officer to make enquiry.

135. Upon complaint or information being preferred to an Officer in charge of a Police Station of the commission within the limits of such Station of any of the offences specified in Column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without warrant, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person, or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender. Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an Officer exercising any of the powers of a Magistrate, to proceed to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

Except in cases not of a serious nature where local enquiry not necessary

136. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

If Officer in charge of Police Station see no sufficient ground for an enquiry.

137. If, on any complaint or information being preferred to an Officer in charge of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the ac-

cused is not necessary for the ends of justice, he shall abstain from proceeding in the case and shall report the substance of the complaint or information for the orders of the Magistrate.

All persons to give information of offences.

138. It shall be the duty of every person who is aware of the commission of any offence made punishable under Section 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459, or 460 of the Indian Penal Code, to give information of the same to the nearest Police Officer, whenever he shall have reason to believe that, if such information be withheld, the person who committed the offence may not be brought to justice, or may have his escape facilitated.

Complaint, &c., to be in writing.

139. Every complaint or information preferred to an Officer in charge of a Police Station, shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer, in such form as shall be prescribed by the local Government.

Procedure when a Police Officer deputes another.

140. When any Officer in charge of a Police Station requires any Officer, subordinate to him, to make without a warrant an arrest which may lawfully be made by such Officer without a warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing. specifying the person to be arrested, and the offence for which the arrest is to be made.

Police may pursue offenders into other jurisdictions.

141. It shall be lawful for a Police Officer to pursue, with a view to arrest, any person accused of any of the offences specified in Column 3 of the Schedule annexed to this Act, as offences for which Police Officers may arrest without a warrant, into the limits of another Police Officer, whether subordinate to the same Magistrate as himself or to the Magistrate of any other District, and whether such place be under the same local Government or not.

Issue of search warrants by Officer in charge of Police Station.

142. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into any offence which he is authorized to investigate, it shall be lawful for him to search or cause a search to be made for the same, in any house or place within the limits of

such Station. In such case, the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and it shall thereupon be lawful for such Subordinate Officer to search for such property in such house or place. The provisions of Sections 122, 123, 124, and 125 of this Act relating to search warrants, shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.

When one Officer of a Police Station may require another to issue a search warrant.

143. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which he might cause such search to be made within the limits of his own Station.

Witnesses to be summoned.

144. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any persons being within the limits of his Station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under Section 135 of this Act, and such person shall be bound to obey such requisition.

Oral examination of witnesses by Police.

145. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this Section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record or used as evidence.

Proviso.

146. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

No inducement to be offered to accused person to confess.

147. No Police Officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence. Provided that nothing in this Section shall preclude any Police Officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Police Officer not to record confession.

Proviso.

148. No confession or admission of guilt made to a Police Officer, shall be used as evidence against a person accused of any offence.

Confession made to a Police Officer shall not be used as evidence.

149. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.

Confession made while the accused is in custody of the Police shall not be used as evidence.

150. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact discovered by it, may be received in evidence.

Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.

151. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any subordinate Police Officer has made any enquiry under this Chapter, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or may do so without such instructions, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.

Enquiry by the Police.

152. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable: such period in no case to exceed twenty-four hours. If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall, nevertheless, forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.

Accused not to be detained by the Police beyond 24 hours without special authority.

153. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Police how to proceed in cases of deficient evidence.

154. A Police Officer making an enquiry under this Chapter, shall day by day enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he shall consider it to be important that such Magistrate shall know. The Magistrate of the District shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police Officer shall forward day by day a copy of the diary to the Magistrate of the District. Such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it.

Daily record of proceedings.

155. The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the local Government, setting forth the names of the parties, the

Report of Police Officer of what to consist.

nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, he shall state the fact and the cause of his detention.

Bail.

156. A person accused of any offence entered as not bailable in Column 5 of the Schedule annexed to this Act, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive. Terms of security.

157. The bail to be taken under the last preceding Section shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person, before the Magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

158. Every prosecutor and witness, whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed, shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses, unaccompanied by any Police Officer, shall be required to deliver in person such duplicate to the Magistrate.

159. A Police Officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend, or to execute the recognizance directed in the last preceding Section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody, until he shall execute such recognizance, or until the hearing before the Magistrate.

Prosecutors and witnesses not to be subjected to restraint.

Recusant prosecutor or witness may be forwarded in custody.

160. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective Stations, whether such persons shall have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of a Magistrate.

Police to report all apprehensions.

161. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to give intimation to the nearest Magistrate, and to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police Officer and other persons or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and

Police to make immediate enquiry and report on unnatural and sudden deaths.

Bombay, it shall be the duty of the Head of the Village in like manner to make the enquiry and report as aforesaid.

162. The powers to be exercised by an Officer in charge of a Police Station under this Chapter, shall be exercised in the event of his absence or illness, by the Police Officer next in rank present at the Police Station, above the rank of a constable, peon, or burkundaz.

By whom the powers of the Officer in charge of Police Station may be exercised in his absence or illness.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

163. 164. For offences under Sections 175, 178, 179, 180, and 228 of Indian Penal Code, in the view of Civil, Criminal, or Revenue Court, offender may be detained by Court, and fined not exceeding 200 Rs. and imprisoned, &c. in default of payment; or for heavier punishment may be sent to Magistrate, or Justice of the Peace, as the case may be, to be proceeded against in ordinary manner; but (164) on submission of offender in specified case, punishment may be remitted.

165. Offences in Chapter X of Indian Penal Code, &c., Sections 175, 178, 179, and 180, committed by European British subjects, are to be cognizable only by Justice of the Peace who shall exercise same powers as under 53 Geo. III. c. 155, s. 105, or commit for heavier punishment.

163. When any such offence as is described in Section 175, 178, 179, 180, or 228, of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, it shall be competent to such Court to cause the offender, whether he be a European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day to take cognizance of the offence; and to adjudge the offender to punishment by fine not exceeding two hundred Rupees, or by imprisonment in the Civil Jail for a period not exceeding one month, unless such fine be sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. If the Court, in any case, shall consider that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred Rupees

Procedure in certain cases of contempt.

should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment, as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53 George III, c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature. In no case tried under this Section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred Rupees for any contempt committed in his own presence against his own Court.

Discharge of an offender on his submission.

164. When any person has been sentenced to punishment, or forwarded to a Magistrate or Justice of the Peace for trial, under the last preceding Section, for refusing or omitting to do anything which he was lawfully required to do, it shall be competent to the Court to discharge the offender, or to remit the punishment, on the submission of the offender to the order or requisition of such Court.

Procedure in all except certain cases when the offender is a European British subject.

165. When any such offence as is described in Chapter X of the Indian Penal Code, except Sections 175, 178, 179, and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court by a European Bri-

tish subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by the Statute 53 George III, c. 155, s. 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender on conviction in the same manner as is provided in that behalf in the said Statute. If such Magistrate shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a Supreme Court of Judicature.

CHAPTER XI.

PROSECUTIONS IN CERTAIN CASES.

166. Offences under Chapter 6 of Indian Penal Code, except Section 127, to be cognizable only under Government prosecution.

167. Offences under Indian Penal Code of charges against Judge or public servant not removable without sanction of Government, to be cognizable only when prosecuted by direction of Government, &c.

168. Contempt and other offence against public servant, under Chapter X Indian Penal Code, not falling within Section 163 of the Act not to be prosecuted without sanction of Court, &c.

169. Offences against public justice under Sections 193—196, 199, 200, 205—211, and 228 of Indian Penal Code, committed before Civil or Criminal Court, not to be prosecuted without sanction of such Court.

170. Offences relating to documents under Sections 463, 471, 475, and 476 of Indian Penal Code, given in evidence in Court, not to be prosecuted without sanction of Court, which may be given at any time.

171—174. For offences under Sections 168, 169 and 170, Court sanctioning prosecution may, after necessary preliminary inquiry, send case to proper Magistrate; but (172) Courts of Session may proceed for offences within its cognizance without sending case to Magistrate; and (173) for offences cognizable exclusively by Court of Session, Civil Court may send case directly to the Sessions; in which case (174) Civil Court shall frame a charge, &c., and transmit it with commitment.

175. Court of Session and Civil Court proceeding under last 3 Sections may bind over witnesses.

176. Cases for Court of Session sent to Magistrate with imperfect powers may be sent by him to Magistrate who is competent.

177. 178. Offence under Section 497 of Indian Penal Code to be prosecuted only by husband; and (178) under Section 498 only by husband or guardian.

Prosecutions for certain offences not to be instituted, but under authority of Government or of a duly empowered Officer.

166. A charge of an offence punishable under Chapter VI of the Indian Penal Code, except Section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor-General of India in Council, or the local Government, or some Officer empowered by the Governor-General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution against Judges, &c.

167. A charge of an offence punishable under the Indian Penal Code, of which any Judge or any public servant not removeable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the local Government, or of some Officer empowered by the local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the local Government shall not think fit to limit or reserve.

Prosecution for certain offences under Chapter X of the Penal Code not to be instituted, but with the sanction of the public servants concerned.

168. A charge of a contempt of the lawful authority of any Court or public servant, or of any other offence against a public servant as such, described in Chapter X of the Indian Penal Code, not falling within Section 163 of this Act, shall not be entertained in any Criminal Court except with the sanction or on the complaint of the Court or public servant concerned, or, if such servant is an inferior ministerial servant, with the sanction or on the complaint of his official superior. The prohibition contained in this Section shall not apply to the offences described in Sections 189 and 190 of the Indian Penal Code.

Prosecution for certain offences against public justice not to be instituted but with sanction of the authority before which the offence was committed.

169. A charge of an offence against public justice, described in Section 183, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211, or 228, of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in

the Criminal Courts, except with the sanction of the Civil or Criminal Court before or against which the offence was committed, or of some other Court to which such Court is subordinate. Such sanction may be given at any time.

Prosecution for certain offences relating to documents, not to be instituted but with the sanction of the Court in which such documents were given in evidence.

170. A charge of an offence relating to documents described in Section 463, 471, 475, or 476, of the Indian Penal Code, when the document shall have been given in evidence in any proceedings in any Courts, Civil or Criminal, shall not be entertained in any Criminal Court against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate. Such sanction may be given at any time.

Mode of proceeding in cases mentioned in the last three preceding Sections.

171. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding Sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law, and the Court shall have power to send the accused person in custody or to take suffiicient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation

Power of Court of Session in respect of such offences committed before it.

172. It shall be competent to a Court of Session to charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and to commit or hold to bail and to try such person upon its own charge. In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence which is vested in a Magistrate by this Act. Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

173. In any case triable by the Court of Session exclusively, it shall be lawful for any Court of Civil Judicature before which any such offence was committed, instead of sending the case for investigation to a Magistrate, to complete the investigation itself, and to commit or hold to bail the accused person to take his trial before the Court of Session.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

174. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall transmit the same with the order of commitment and the record of the case to the Magistrate of the District or other Officer exercising any of the powers of a Magistrate, and such Magistrate or other Officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Procedure by Civil Court in such cases.

175. Whenever any Court of Session or Civil Court shall commit or hold to bail any person for trial under the last three preceding Sections, such Court may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Court of Session or Civil Court may exercise all the powers of a Magistrate as to binding over persons to give evidence.

176. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, such Magistrate shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he may think proper.

Magistrates not empowered to commit, to send the case to Magistrate competent to do so.

177. A charge of an offence under Section 497 of the Indian Penal Code shall not be instituted, except by the husband of the woman.

Prosecution for adultery not to be instituted except by the husband.

178. A charge of an offence under Section 498 of the Indian Penal Code, shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

Prosecution for enticing away a married woman not to be instituted except by husband or person in charge of the woman.

CHAPTER XII.

OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

179. 180. On complaint before Magistrate of person charged with offence triable exclusively by Court of Session, Magistrate may issue his warrant; or, if he thinks more fit, a summons; or (180) may, if he distrusts the complaint, dismiss the complaint or direct previous enquiry, and person making which, if not having the power of a Magistrate, &c., shall have the powers of Station Officer, except power to arrest.

181. 182. On issue of warrant, Magistrate may direct bail if tendered to be taken for appearance, in which case bail-bond to be forwarded to Magistrate; and (182) he may, if he see fit, dispense with personal attendance of defendant, and permit him to appear by Agent, and may cancel the privilege and require personal attendance.

183—185. If the accused absconds, &c., and cannot be found, Magistrate may, if satisfied of the intention to avoid the process, issue proclamation, &c., and may (184) at same time order attachment of moveable and immoveable property within the jurisdiction, which may be endorsed for attachment in another jurisdiction; and attachment of land paying revenue shall be made through the Collector, in other cases under order of Magistrate in manner specified, and the property shall be at disposal of Government on default of defendant to appear, but not be sold till after six months; and (185) on surrender, if within 2 years after the attachment, shall be restored, on proof of no intention to evade justice.

186—190. On receiving complaint, Magistrate shall ascertain names of witnesses and issue summons for them; which (187) shall be personally served or left with male adult member of family: or (188) may issue a warrant against witness if satisfied that he will not attend without; and (189) if witness absconds, proclamation for his attendance may be made, and on default of attendance attachment may be issued, &c., which (190) shall be released on his appearance, on payment of costs, and witness may be fined under Section 172 Indian Penal Code, and fine and costs realized through the attachment.

191. 192. On neglect, &c., of person summoned as witness to appear, warrant may be issued for his arrest; and (192) on refusal of witness to answer questions, Magistrate may commit him for seven days, &c.

193—195. Magistrate to take the evidence of prosecutor and witnesses; in the presence of the accused (194) &c., who may cross-examine; and (195) the evidence shall be taken down in writing in the vernacular of the district by or before the Magistrate; and if it is in English, it shall be translated, &c.; and Magistrate not taking down the evidence himself shall make, and sign a memo. of its substance, or record why he has not done so.

196. 197. Local Government may direct evidence to be taken down by the Magistrate with his own hand in his own language or in the language

of the district, except in case of inability to be recorded; and (197) local Government to determine, in case of doubt, what is the ordinary language of the district.

198. Evidence shall be taken down ordinarily in narrative form, and not in question and answer, unless some special reason for it, and shall be read over to witness in presence of accused, and be corrected in case of objection or the objection be minuted, and if taken down in language not of the witness, witness may require it to be interpreted to him.

199. Magistrate to make a memorandum of the facts of the evidence having been read over by witness, &c., and of other particulars.

200. Evidence if in a language not understood by accused, to be interpreted to him, or his Agent.

201—205. Magistrate may at any stage summon any person whose evidence he deems essential; and (202) may question the accused at any stage, but accused not bound to answer; and (203) no influence by promise, threat, or otherwise shall be used to induce accused to make disclosure, but accused may be examined upon his voluntary statement as if he were a witness; but (204) oath or affirmation shall not be administered to him, and (205) his whole examination with every question and answer in full shall be taken down, read over to him, and signed by the Magistrate, &c.

206. Person in Court may be detained to give evidence.

207. 208. Magistrate may summon witness for accused, and (208) provisions of Sections 187—192 shall be applicable.

209. Empowers Magistrate to tender pardon for offences in Column 7 of Schedule, under conditions; and take the evidence of the approver, as witness, under ordinary rules.

210. 211. Court of Session and Sudder Court, &c., may instruct the Magistrate to tender pardon, and (211) those Courts may afterwards commit approvers who have not fulfilled the conditions.

212. 213. Persons accused, on probable grounds, of offences in Column 5 of Schedule specified as not bailable, shall not be admitted to bail, but may be pending the enquiry, if the subsequent evidence fails to raise a strong presumption; but (213) as to offences in Column 5 specified as bailable, accused may be bailed when brought up.

214—216. Recognizance of bail before Magistrate to be in discretionary amount and condition for appearance on the enquiry and at Session; and (215) fresh bail may be required, if original ones fail; and (216) accused may be bailed at any time before conviction.

217. On completing the recognizances the accused shall be discharged.

218. Bail may require at any time to be discharged from their engagements, and accused may be called upon to find fresh bail or be committed.

219—221. Empowers Magistrate to proceed to enforce the penalty of the recognizance by immediate attachment and sale of property; and (220) to enforce penalty against sureties by notice to the sureties, and if cause to the

contrary be not shown, by attachment and sale of property, and in default of goods by imprisonment, &c.; and (221) confers these powers on all Criminal Courts taking recognizances, &c.

222. 223. Every warrant of commitment shall be to some jailor or other officer, &c., in form (C); and (223) be lodged with the jailor, &c.

224. Empowers the Magistrate for reasonable cause to defer examination of witnesses, &c., and remand accused for not exceeding 15 days, taking his recognizance with or without sureties at discretion, &c.

225. Directs Magistrate to discharge accused in case of insufficient grounds for commitment for trial, unless the case is one for proceeding under Chapter XIV.

226. Directs Magistrate on sufficient cause to send accused to Court of Session for offence exclusively triable by Court of Session, or if an European British subject to Supreme Court.

227. Directs charge to be read to accused and copy or translation to be furnished to him, and he shall be asked for list of witnesses whom he wishes to be summoned, &c., and the provisions of Sections 187—192 shall be applicable.

228. Entitles Magistrate on specified ground to enquire into reasons requiring any witness, and to refuse summons, unless expenses be deposited.

229. Directs that Magistrate's record, &c., be forwarded to Court of Session, or Supreme Court (as case may be) with translation into English.

230. Entitles accused to copies of the depositions at his expense.

231. Directs the Magistrate to issue order on Government Pleader to prosecute before Court of Session, unless he employs some other person.

232. Enjoins all prosecutors and witnesses to execute proper recognizances in Form E before Magistrate, to appear at Court of Session, or on refusal to execute, to detain them, &c.

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

179. When a complaint is made before a Magistrate that any person has committed, or is suspected to have committed, any of the offences specified in Column 7 of the Schedule annexed to this Act as triable exclusively by the Court of Session, or which in the opinion of such Magistrate ought to be tried by the Court of Session, it shall be lawful for such Magistrate to issue his warrant to apprehend such person. Provided that in any such case the Magistrate to whom such complaint is made may, if he shall think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, issue his summons requiring him to appear to answer to such complaint.

180. If the Magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any officer subordinate to such Magistrate, or of a local Police Officer, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falshood of the complaint. If such enquiry is made by means of some person other than an Officer exercising any of the powers of a Magistrate or a Police Officer, such person shall exercise all the powers vested by this Act in an Officer in charge of a Police Station, except that he shall have no power to make an arrest. Nothing contained in this Section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Postponement of issue of process.

May dismiss the complaint.

181. It shall be in the discretion of the Magistrate in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if such person be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the person from custody. In the event of bail being given, the Officer shall forward the bail-bond to the Magistrate.

Magistrate may direct bail to be taken.

182. The Magistrate may, if he see sufficient cause, dispense with the personal attendance of the accused person, and permit him to appear by an agent duly authorized to act in his behalf. But it shall be in the discretion of the Magistrate, at any stage of the proceedings, to direct the personal attendance of the accused person.

Magistrate may dispense with the personal attendance of the accused

183. If any person accused of an offence absconds or conceals himself, so that upon a warrant issued against him he cannot be found, the Magistrate shall, if satisfied that such person absconds or conceals himself for the

Proclamation for an absconding party.

purpose of avoiding the service of the warrant, issue a written proclamation, requiring such person to appear to answer the complaint within a fixed period not less than thirty days. The proclamation shall be publicly read in some conspicuous place of the town or village in which such person usually resides, and shall be affixed on some conspicuous part of the ordinary place of abode of such person, or on some conspicuous place of such town or village. A copy of the proclamation shall also be affixed on some conspicuous part of the Court-house of the Magistrate.

Attachment of the property of absconding party.

184. The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself. Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed. The attachment under this Section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases by seizure under the order of the Magistrate or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate shall deem proper. If the absent person shall not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six calendar months, unless such property is of a perishable nature, or it shall be considered by the Magistrate that the sale would be for the benefit of the owner.

Restoration of property declared to be forfeited.

185. When any person whose property shall have been declared to be at the disposal of Government under the last preceding Section shall, within two years after the attachment of the property, surrender himself, and shall upon trial before a competent Court, prove to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same shall have been sold, the proceeds thereof, shall be restored to him.

186. The Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and who are likely to give evidence for the prosecution, and shall issue his summons to such persons, requiring them to appear at a time and place mentioned in the summons before such Magistrate to testify what they know concerning the complaint made against the accused person.

Summons to a witness to attend and give evidence.

187. Every summons issued by a Magistrate under the last preceding Section, shall be served personally on the witness, or if the witness be not found, may be left for him with some adult male member of his family residing with him.

Form of summons to the witness, and mode of service thereof.

188. If the Magistrate shall see reason to believe that such witness will not attend to give evidence without being compelled to do so, it shall be lawful for such Magistrate, instead of issuing a summons, to issue his warrant in the first instance.

If what cases warrant in the first instance.

189. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, the Magistrate may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode, and if such witness shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he shall deem reasonable, not being in excess of the amount of costs of attachment and of any fine to which such witness may be liable under the provisions of the following Section. Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

If warrant cannot be served.

190. If the witness shall appear and satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of

If on attachment witness appear and satisfy

Magistrate, his property to be released from attachment.

the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he shall deem fit. If such witness shall not appear, or appearing, shall fail to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not such notice of the proclamation as aforesaid, it shall be lawful for the Magistrate to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Magistrate may impose upon such witness under the provisions of Section 172 of the Indian Penal Code. If the witness shall pay to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

If he do not appear or satisfy Magistrate, property to be sold.

191. If any person summoned to give evidence, shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, it shall be lawful for the Magistrate, upon proof of the summons having been duly served, to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid.

If he do not obey the summons, then warrant.

192. If any person summoned or brought before a Magistrate, shall refuse to answer such questions as shall be put to him, without offering any just excuse for such refusal, the Magistrate may, by warrant, under his hand and seal, commit the person refusing, to custody for any term not exceeding seven days, unless he shall, in the meantime, consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 163 of this Act.

Refusing to answer, may be committed to custody.

193. The Magistrate shall take the evidence of the complainant and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances

Examination of the complainant and witnesses for the prosecution.

194. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his Agent when his personal attendance is dispensed with and he appears by Agent. The accused or his Agent shall be permitted to cross-examine the complainant and his witnesses.

To be in the presence of the accused who may cross-examine.

195. The evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate. When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the District in which the Court is held, shall form part of the record. In cases in which the evidence is not taken down in writing by the Magistrate, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Mode and language in which the evidence is to be recorded.

196. It shall be competent to the local Government to direct that in any District or part of a District to which this Act shall extend, or shall hereafter be extended under the provisions of Section 445 of this Act, the evidence of witnesses shall be taken down by the Magistrate with his own hand in the vernacular language of the Magistrate, unless the Magistrate be prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court. The evidence so taken down shall be signed by the Magistrate, and form part of the record. Provided that if the vernacular language of the Magistrate be not English or the language in ordinary

Local Government may direct the evidence to be recorded in the vernacular language of the Magistrate.

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use in the District in which the Court is held, the Magistrate may be directed by the local Government to take down the evidence in the English language or in the language in ordinary use in the District in which the Court is held, instead of his own vernacular.

Local Government to decide what is the language in ordinary use in any District.

197. If any question shall arise as to what is the language in ordinary use in any District in which a Court is held, that question shall, for the purposes of this Act, be determined by the local Government.

How the evidence is to be recorded.

198. The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative. It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor, or a person accused, or his Counsel or Agent, shall require it. When the evidence is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his Agent when his personal attendance is dispensed with and he appears by Agent, and shall, if necessary, be corrected. If the witness shall deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he may think necessary. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence, as taken down, to be interpreted to him in the language in which it was given, or in a language which he understands.

Memorandum to be attached to the evidence.

199. A memorandum, to be signed by the Magistrate, shall be attached to the evidence of each witness, and shall state that the evidence was read over to the witness in a language which he understood (naming the language,) and if the fact is so, that the witness acknowledged such evidence to be correct. When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in the presence and hearing

of the Magistrate, and under his personal direction and superintendence.

In what cases evidence to be interpreted to the accused or his Agent.

200. If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where the accused is present in person. If the accused person appears by Agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such Agent in that language.

Power of Magistrate at any stage to summon and examine any person.

201. It shall be in the discretion of the Magistrate, at any stage of the proceedings, to summon and examine any person, whose evidence he may consider essential to the enquiry.

Examination of defendant.

202. It shall be in the discretion of the Magistrate, from time to time, at any stage of the enquiry, to examine the accused person, and to put such questions to him as he may consider necessary. It shall be in the option of the accused person to answer such questions.

No influence to be used to induce disclosures.

203. No influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge; but if the accused person shall, of his own accord, propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon in the same manner as if he were a witness.

Magistrate how to proceed in case of confession.

Accused person not to be sworn.

204. No oath or affirmation shall be administered to the accused person.

Examination of the accused how to be recorded.

205. The examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify, under his own hand, that it was taken in his presence and in

his hearing, and contains accurately the whole of the statement made by the accused person.

Any person attending may be detained for any offence committed by him.

206. Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

Discretionary with the Magistrate to take evidence for the defence.

207. It shall be at the discretion of the Magistrate to summon any witness who may be offered in behalf of the accused person to answer or disprove the evidence against him.

Witnesses for the defence.

208. The provisions of Sections 187, 188, 189, 190, 191, and 192 of this Act, shall be applicable to witnesses named in support of the defence.

Magistrate may tender a pardon in certain cases.

209. It shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, recording his reason for so doing, to tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in Column 7 of the Schedule annexed to this Act as triable by the Court of Session, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof. If any person shall accept a tender of pardon under this Section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses. Such person, if not on bail, may, if the Magistrate or other Officer as aforesaid shall think proper, be detained in custody pending the termination of the trial.

When Sudder Court or Court of Session may direct a tender of pardon.

210. It shall be competent to a Court of Session at the time of trial, and also to the Sudder Court as a Court of reference, in cases tried with the aid of Assessors, to instruct the Magistrate in like manner to tender a pardon to one or more

persons supposed to have been directly or indirectly concerned in or privy to any such offence, with the view of obtaining his or their evidence on the trial.

When Sudder Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

211. If it shall appear to a Court of Session at the time of trial or to the Sudder Court as a Court of reference, that any person who shall have accepted an offer of pardon, has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing any thing essential, or by giving false evidence or information, it shall be competent to such Court to direct the commitment of such person for trial for the offence in respect of which the pardon was tendered.

Bail not to be taken for certain offences.

212. When any person shall appear or be brought before a Magistrate accused of any offence entered as not bailable in Column 5 of the Schedule annexed to this Act, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the accused person and to require his committal, or such evidence shall be adduced on behalf of the accused person as shall, in the opinion of the Magistrate, weaken the presumption of his guilt, but there shall appear to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt, the accused person shall be admitted to bail pending such enquiry.

When may be taken.

When bail shall be taken.

213. When any person shall appear or be brought before a Magistrate accused of any of the offences specified in column 5 of the Schedule annexed to this Act, as bailable, he shall be admitted to bail.

Recognizance of accused and sureties.

214. When a Magistrate shall admit to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate may think sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and if required, shall appear when called upon at the Court of Session to answer the charge.

Insufficient bail.

215. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and in default, may be committed to prison.

Bail may be taken at any time before conviction.

216. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Discharge on bail.

217. After the recognizances shall have been duly entered into, the Magistrate, in case the accused person shall have appeared voluntarily, or shall be in the custody of some Officer, shall thereupon discharge him; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge of sureties.

218. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements. On such an application being made, the Magistrate shall issue his warrant, directing that such person be brought before him. On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and in default, may order him to be committed to prison.

Proceedings to compel payment of penalty by accused.

219. Whenever by reason of default of appearance of the person executing the personal recognizance, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

Proceedings to compel payment of penalty by sureties.

220. Whenever by reason of default of appearance by the person bailed, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to

the surety or sureties to pay the same, or to show cause why it should not be paid; and, if no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to such surety or sureties which may be found within the jurisdiction of the Magistrate of the District, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

In what cases the powers given by the last two Sections may be exercised.

221. The powers given by the last two preceding Sections may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearauce of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail.

Warrant of commitment how to be directed, &c.

222. Every warrant for the commitment of a person to custody shall be directed to some jailor, or other Officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the Appendix, or to the like effect.

With whom to be lodged.

223. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not in the jail, with his deputy. If the jailor has no deputy, the warrant may be lodged with any Officer of the jail then being in the jail.

When Magistrate may adjourn the enquiry.

224. If from the absence of a witness or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of witnesses, it shall be lawful for the Magistrate by a written order, from time to time, to adjourn the enquiry, and to remand the accused person for such time as shall be deemed reasonable, not exceeding fifteen days; provided that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his ap-

pearance before the Magistrate at the time and place appointed for the continuance of such examination.

When accused person to be discharged.

225. When a Magistrate finds that there are not sufficient grounds for committing the accused person to take his trial before the Court of Session or for remanding him, he shall discharge him, unless it shall appear to the Magistrate that such person should be put on his trial before himself, in which case he shall proceed under Chapter XIV of this Act.

When defendant to be committed for trial.

226. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session. If the Magistrate is a Justice of the Peace and the accused person is a European British subject, he shall be sent for trial before the Supreme Court of Judicature.

Copy of charge to be furnished to accused person.

227. As soon as the charge on which the accused person is to be tried, has been prepared as hereinafter directed, it shall be read to him, and a copy or translation of it shall be furnished to him if he require it. The accused person shall be required at once to give in orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or Supreme Court. It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time. The Magistrate shall receive the list, and summon the witnesses to appear before the Court before which the accused person is to be tried. The provisions of Sections 187, 188, 189, 190, 191, and 192, so far as they relate to the attendance of witnesses, shall be applicable to witnesses named by the accused person in the list above mentioned.

Witnesses for the defence on the trial.

Magistrate may refuse to summon unnecessary

228. If the Magistrate shall be of opinion that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of

witness, unless a deposit be made to defray the expenses of such witness

justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material, and if the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum shall be deposited with the Magistrate as he shall consider necessary to defray the expense of obtaining the attendance of the witness.

Record to be forwarded to the Superior Court.

229. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case. When a commitment is made to the Supreme Court of Judicature, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record shall not be in the English language, a translation thereof in the English language shall be forwarded therewith.

Copies of depositions to be furnished to accused.

230. When the preliminary enquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions which shall be made at his expense.

When commitment is made, Magistrate to give notice to Government Pleader, &c.

231. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other Officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge. Nothing in this Section shall preclude the Magistrate, if he shall think fit, from appointing a person other than such Government Pleader or Officer to conduct the prosecution.

Recognizances of prosecutors and witnesses.

232. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances in the Form (E) given in the Appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be. If any prosecutor or witness shall refuse to attend before the

Court of Session or to execute the recognizance above directed, it shall be competent to the Magistrate to detain such prosecutor or witness in custody, until he shall execute such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall forward such prosecutor or witness under custody to the Court of Session.

CHAPTER XIII.

OF THE CHARGE.

233—237. Magistrate sending accused to Court of Session shall also send a charge under his hand and seal with specified particulars; (234) describing the offence in the language of the Indian Penal Code; without (235) negative averments to exclude general exceptions, (236) of which exceptions, however, defendant may take advantage by proof on his part; but (237) only general and not other exceptions are impliedly negatived in the charge.

238. The charge may contain several heads.

239. Charge when only with one head shall be like Forms No. 1 on Section 121; No. 2, on Section 124; No. 3, on Section 161; No. 4 on Section 304; No. 5, on Section 306; No. 6, on Section 325; No. 7, on Section 392; No. 8, on Section 395, and in similar Form under other Sections.

240—242. Directs how charge shall be framed when the one case has two or more criminal aspects; and (241) how it shall be framed when the case shows the commission of two or more offences falling within the same Section of the Indian Penal Code; and (242) how it shall be framed when it appears doubtful within what Section of the Indian Penal Code it falls.

243. Charge containing more heads than one shall be in Forms given on Sections 241, 242, and on Sections 302, 304, and on Sections 379, 382, and in similar Forms on other Sections.

244—247. Empowers Court at trial to amend or alter the charge, and proceed with the trial; or (245 and 46) postpone the trial if amendment is likely to prejudice the accused or to require an alteration in his defence; and (247) in all cases of amendment accused may have witnesses recalled, &c.

What the charge is to contain.

233. When the Magistrate has determined to send the accused person before the Court of Session for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct the accused person to be tried by such Court on such charge. A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court

of Session before which the accused person is to be tried, and a copy shall also be sent to the Public Prosecutor or to the Officer appointed to conduct the prosecution.

How the offence is to be described.

234. The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the Section under which such offence is punishable.

Absence of General Exceptions under the Penal Code to be assumed.

235. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in Chapter IV of the Indian Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exception.

236. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the accused person shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may then be given on the part of the prosecutor.

Special ground of exception from absence of circumstances not to be assumed.

237. When the Section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Section, without a distinct denial of the existence of such circumstances.

Charge may contain one or more heads.

238. The charge may contain one or more heads.

Heads of charge.

239. When a charge contains one head only, the form shall be as follows, or to the same effect:

(*a.*) I, A [*name and office of Magistrate,*] *&c.*, declare that there is hereby made against Z the charge.—

On Section 121.

(*b.*) That he, on or about the day of at , waged war against the Queen, and that he has thereby committed an offence punishable

under Section 121 of the Indian Penal Code, (*c.*) and within the cognizance of the Court of Session.

(*d.*) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

To be substituted for (*b*),

On Section 124.

(2.) That he, on or about the day of at , with the intention of inducing the Honorable A. B., a Member of the Council of the Governor-General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 161.

(3.) That he, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and that he has thereby committed an offence punishable under Section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 304.

(4.) That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under Section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 306.

(5.) That he on or about the day of at , abetted the commission of suicide by A. B., a person in a state of intoxication, and that he has thereby committed an offence punishable under Section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 325.

(6.) That he, on or about the day of at , voluntarily caused grievous hurt to , and that he has thereby committed an offence punishable under Section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

(7.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under Section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 392.

(8.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under Section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Section 395.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other Sections of the Indian Penal Code.

240. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more Sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Sections.

Charges in cases falling within two or more Sections of the Penal Code.

241. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same Section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Section

242. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more Sections of the Indian Penal Code, but it is doubtful which of such Sections will be applicable, or show the commission of one of two or more offences falling within the same Section of the said Code, but it is doubtful which of such offences will be proved, the charge shall contain two or more heads, framed respectively under each of such Sections, or charging respectively each of such offences accordingly.

Cases of doubt as to the Section which is applicable, or the offence which may be proved.

Forms of charge of more than one head.

243. When a charge contains more heads than one, the form shall be as follows, or to the same effect:—

I, A [*name and Office of Magistrate or other Officer as aforesaid, &c.,*] declare that there is hereby made against Z the charge:

On Sections 241 and 242.

First:—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and that he has thereby committed an offence punishable under Section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly:—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name A. B., to receive it as genuine, and that he has thereby committed an offence punishable under Section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

On Sections 302 and 304.

First:—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly:—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under Section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Sections 379 and 372.

First:—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

Secondly—That he, on or about the day of at , committed theft, having made preparation for causing death to a per-

son in order to the committing of such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly:—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly:—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under Section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other Sections of the Indian Penal Code.

Amendment of charge.

244. It shall be competent to any Court before which a trial is held, at any stage of the trial, to amend or alter the charge.

When the trial may be immediately proceeded with after amendment.

245. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered or trial suspended.

246. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the accused person to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material

to the case, or whom the accused person may wish to be summoned in his defence.

Defendant may recall and examine witnesses already examined.

247. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

CHAPTER XIV.

OF CASES TRIABLE BY THE MAGISTRATE IN WHICH A WARRANT ON COMPLAINT MAY ISSUE.

248—250. In case of complaint triable before the Magistrate and on which more than 6 months' imprisonment may be given, Magistrate may issue warrant or summons, and (249) Procedure of Chapter 12 of this Code, shall apply, and Magistrate shall record any material remark on demeanour of witness; and then (250) prepare a charge in same manner as is prescribed in Chapter XIII, substituting specified word, denoting the case as within his own cognizance.

251—255. The charge shall be read over to accused and he be asked if he is guilty or has any defence; and (252) to enter upon his defence and produce his witnesses, &c; and (253) Magistrate shall summon his witnesses and may adjourn the trial; and (254) Sections 187—192, shall apply to his witnesses; and (255) Magistrate shall acquit or convict and pass sentence.

256. If on the trial the Magistrate discovers the case is not within his cognizance, or that it ought to be tried by Court of Session, Magistrate may stop further proceedings and proceed as under Chapter XII.

Cases in which Magistrate may issue a warrant.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate, and punishable under the Indian Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such Magistrate to issue his warrant to apprehend such person. Provided that in any such case the Magistrate to whom such complaint shall be made may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

Summons instead of warrant.

Issue of process, &c.

249. The provisions of Chapter XII relating to the issuing of process for causing the attendance of the accused person, the taking of bail, the sum-

moning and enforcing the attendance of witnesses, the examination of parties and witnesses, the mode of recording evidence, correction, attestation, and interpretation thereof, and the adjournment of a case, shall be applicable to cases tried under this Chapter. On completing the examination of a witness under this Section, the Magistrate, in addition to the memorandum required by Chapter XII, shall record such remarks as he may think material respecting the demeanor of any witness while under examination.

Charge.

250. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate shall consider necessary, have been taken, the Magistrate, if he find that no offence has been proved against the accused person, shall discharge him. If the Magistrate find that an offence is apparently proved against the accused person which falls within the definition in a certain Section of the Indian Penal Code, or within one or other of the definitions in several Sections of the said Code, he shall prepare in writing a charge against the accused person in the manner prescribed in Chapter XIII of this Act, all the provisions of which shall be applicable to charges prepared under this Section. In charges prepared under this Section, the words "within my cognizance" shall be substituted for the words "within the cognizance of the Court of Session" at the end of the charge, and the words "by the said Court" omitted in the order.

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251. The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Plea of claim to be tried.

252. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Evidence for the defence.

253. The Magistrate shall summon any witness and examine any evidence that may be offered in behalf of the accused person, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial from time to time, as may be necessary.

Witnesses for the defence.

254. The provisions of Sections 187, 188, 189, 190, 191, and 192 of this Act shall be applicable to witnesses named in support of the defence.

Acquittal or conviction.

255. If the Magistrate shall find the accused person not guilty, he shall record judgment of acquittal. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

How the Magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

256. In any trial before a Magistrate, in which it may appear at any stage of the proceedings that from any cause the case is one which the Magistrate is not competent to try, or which, in the opinion of such Magistrate, ought to be tried by the Court of Session, the Magistrate shall stop further proceedings under this chapter, and shall proceed in accordance with Chapter XII of this Act for conducting the preliminary enquiry in cases triable by the Court of Session.

CHAPTER XV.

OF CASES TRIABLE BY THE MAGISTRATE IN WHICH A SUMMONS ON COMPLAINT SHALL ORDINARILY ISSUE.

257—260. On complaint before Magistrate of offence or suspected offence triable by him and subject to not exceeding 6 months' imprisonment, Magistrate may issue summons, &c., or warrant if accused is likely to abscond; and (258) on appearance, Magistrate shall admit accused to bail, or take his personal recognizance; or in case he cannot find bail, commit him, and (259) shall dismiss the charge if on day appointed complainant does not appear, unless Magistrate sees reason to adjourn the case; and (260) on default of defendant's appearance, and proof of service of summons, &c., Magistrate may issue a warrant.

261—264. Magistrate may, on sufficient cause, excuse personal appearance, and permit Agent to appear, and at any time require attendance of principal; and (262) may issue summonses for witnesses on either side, and (263) may summons any one whose evidence he may desire, and (264) Sections 187—192 shall be applicable according to Sections 262, 263.

265—268. On day of trial, the complaint shall be stated to accused, who shall be convicted, unless he show cause to the contrary; but (266) if he does not admit the complaint, Magistrate shall hear the witnesses on both sides and the defendants; and (277) take down the substance of each witness' evidence, or record why he does not, and shall record any material remarks respecting demeanor of witness, &c., or (268) Magistrate may take down the evidence in

full, as provided for in Section 195 or Section 196, subject to rules of Sections 199 and 200.

269. Empowers Magistrate to adjourn hearing, and on default of appearance of complainant to dismiss complaint, and of defendant to appear, to issue warrant.

270. For complaint dismissed as frivolous or vexatious, Magistrate may order payment of amends, not exceeding Rs. 50, recoverable by distress and sale, and in default of realization by imprisonment in Civil jail for not exceeding 30 days.

271. Empowers Magistrate to allow complainant to withdraw his complaint, which shall not afterwards be entertained again.

272. Magistrate to record sentence whether of acquittal or conviction, and if latter pass sentence.

Summons shall issue.

257. Whenever a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable under the Indian Penal Code with imprisonment for a period not exceeding six months, it shall be lawful for such Magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

When warrant may issue.

Provided that, if the Magistrate shall be satisfied or have reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such accused person.

Defendant may be admitted to bail or to be at large upon personal recognizance.

258. If upon the day appointed, the accused person shall appear voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit the accused person to bail, or allow him to be at large upon his personal recognizance, as the Magistrate may direct. If the accused person cannot give bail when required to do so, he shall be committed to custody.

Non-appearance of complainant.

259. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the

complainant does not appear, the Magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same to some other day upon such terms as he shall think fit.

If summons be not obeyed, warrant.

260. If the person served with a summons shall not appear before the Magistrate at the time mentioned in such summons, and the Magistrate shall be satisfied that such summons was duly served in what shall be deemed by the Magistrate to be a reasonable time before the time therein appointed for appearing to the same, or if it shall appear to the Magistrate that after due diligence the summons could not be served according to the provisions of this Act, the Magistrate may issue his warrant to apprehend the accused person.

Magistrate may dispense with personal attendance of accused.

261. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the person complained against, and permit him to appear by an Agent duly authorized to act in his behalf. Provided that it shall be at the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of such person. When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the Agent if the accused person has been permitted to appear by Agent, or the accused person may be required to attend to hear such sentence.

Summons to witness to attend and give evidence.

262. If it appear to the Magistrate that any person is likely to give material evidence on behalf of the complainant or the accused person, and that such person will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, the Magistrate shall issue his summons to such person under his signature and seal, requiring him to appear at a time and place mentioned in the summons, to testify what he knows concerning the matter of the complaint.

Magistrate may summon necessary evidence.

263. It shall be at the discretion of the Magistrate, at any stage of the trial, to summon and examine any witness whose evidence he may consider essential to the just decision of the case. The Magistrate may

also examine as a witness any person in attendance, although not summoned as a witness.

Application of previous rules.

264. The provisions of Sections 187, 188, 189, 190, 191, and 192 shall be applicable to witnesses summoned according to the provisions of Sections 262 and 263 of this Act.

Admission by accused of truth of complaint.

265. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted. If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Proceeding when no such admission is made.

266. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he may produce in support of his complaint, and also to hear the accused person and such witnesses as he shall produce in his defence.

How the evidence is to be recorded.

267. The Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds. The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record. The Magistrate shall record such remarks as he shall think material respecting the demeanor of any witness whilst under examination.

Manner of recording evidence in certain cases.

268. In any case in which the Magistrate shall consider it necessary, it shall be competent to him, instead of taking down merely the substance of the evidence of any witness, to take down the evidence of the witness in the manner provided in Section 195 or in the manner provided by Section 196 of this Act, if within the jurisdiction of such Magistrate the local Government shall have made an order as provided

in that Section. In any such case the provisions of Sections 199 and 200 shall be applicable to the evidence so taken.

Adjournment.

269. Before or during the hearing of any complaint, it shall be lawful for the Magistrate to adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties, and if on the day to which such hearing or such further hearing shall have been so adjourned, the accused person shall not appear, the Magistrate may issue his warrant for the arrest of such person, and if the complainant shall not appear, the Magistrate may dismiss the complaint.

Magistrate may award amends in cases of frivolous and vexatious complaints.

270. In any case where the Magistrate shall dismiss the complaint as frivolous and vexatious, it shall be lawful for him, in his discretion, by his order of dismissal, to award that the complainant shall pay to the accused person such amends, not exceeding fifty Rupees, as to such Magistrate shall seem just and reasonable. The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment in the Civil jail, for any time not exceeding thirty days, unless such amends shall be sooner paid.

Magistrate may permit withdrawal of the complaint.

271. If a complainant at any time before a final order is passed in any case under this Chapter, shall satisfy the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit such complainant to withdraw such complaint. A complaint withdrawn under this Section shall not again be entertained.

Acquittal or conviction.

272. If the Magistrate, in any case tried under this Chapter, shall find the accused person not guilty, he shall record a judgment of acquittal. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

CHAPTER XVI.

OF ENQUIRIES AND TRIALS BEFORE THE SUBORDINATE MAGISTRATES.

273—275. Criminal cases brought before Magistrates, &c., either directly or on report, &c., may be by him referred to any Magistrate subordinate to him, for enquiry or trial, or with a view to commitment to Session or Supreme Court, if legally competent, &c.; and (274) the order of reference shall state if the case come forward on report, and all process shall be directed for Subordinate Court; and (275) Subordinate Magistrate shall follow rules prescribed for Magistrates on such cases; and Police shall obey orders of subordinate Magistrate.

276—278. Subordinate Magistrate, if presumption of guilt arises on the evidence, and the case is above his cognizance either to try or commit for Sessions, shall submit it to Magistrate, for trial or commitment to the Sessions, and in such cases shall make some enquiry as if no previous one had been made, and (277) if Subordinate Magistrate has jurisdiction to try, and the case appears to him to require a heavier punishment than he can give, he shall record his finding and pass the case on the Magistrate for sentence, who may re-examine, &c., witnesses; but (278) nothing in this Section (277) shall be held to prevent Subordinate Magistrate from holding from committing directly to the Session.

Reference of cases to Subordinate Magistrate.

273. Criminal cases brought before the Magistrate of the District or a Magistrate in charge of a Division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police Officer, may be referred by such Magistrate to any Magistrate subordinate to him. The reference shall be for enquiry or for trial if the offence be triable by such Subordinate Magistrate, or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session, or with a view to commitment to the Supreme Court of Judicature if such Subordinate Magistrate is competent to commit to such Supreme Court. Provided that nothing in this Section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police Officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

Proviso.

Cases how to be referred.

274. When a criminal case is referred under this Chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the

report of a Police Officer, shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

Subordinate Magistrates to follow the same rules of procedure as the Magistrate.

275. In the enquiry into or trial of cases under this Chapter, the Subordinate Magistrates shall be guided by the rules prescribed for the guidance of the Magistrate of the District in similar cases; and Police Officers and others shall be bound to obey all orders and processes issued in such cases in like manner as if such orders or processes had been issued by the Magistrate of the District.

How the Subordinate Magistrate is to proceed in cases beyond his jurisdiction.

276. If, in the course of a trial before a Subordinate Magistrate, the evidence shall appear to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial before the Court of Session, he shall stay proceedings and shall submit the case to the Magistrate to whom he is subordinate. The Magistrate to whom the case is submitted shall either try the case himself or refer it to any Officer subordinate to him having jurisdiction, or he may commit the accused person for trial before the Court of Session. In any such case, such Magistrate or other Officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

In what cases Subordinate Magistrate shall not pass sentence, but may refer case to the Magistrate.

277. If in any case tried by a Subordinate Magistrate having jurisdiction, in which the accused person is found guilty, such Magistrate shall consider the offence established against the accused person to call for a more severe punishment than he is competent to adjudge, he shall record the finding and submit his proceedings to the Magistrate to whom he is subordinate, and such Magistrate shall pass such sentence or order in the case as he may deem proper and as shall be according to law. In any such case, the Magistrate to whom the proceedings are submitted, may examine the parties, and recall and examine any witness who shall already have

How the Magistrate is to proceed in such cases.

given evidence in the case, and he may call for or take any further evidence.

Subordinate Magistrate, if empowered to do so, may, instead of convicting the accused, commit him for trial before the Court of Session.

278. Nothing in the last preceding Section shall be held to prevent the Subordinate Magistrate in any such case as is therein described, if such Magistrate is empowered to hold the preliminary enquiry into cases triable by the Court of Session, and to commit persons to take their trial before such Court, from committing the accused person for trial before the Court of Session instead of finding him guilty. If the Subordinate Magistrate shall be of opinion that the accused person should be committed for trial before the Court of Session, he shall proceed in accordance with Chapter XII of this Act, for conducting the preliminary enquiry in cases triable by the Court of Session.

Mode of procedure in such cases.

CHAPTER XVII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

279. Directs that Court of Magistrate when engaged in preliminary investigation into case triable in Supreme Court, shall generally be an open Court, &c.; but gives power to Court in any particular case to shut the Court except to those specially permitted to be present.

Place where investigation made, an open Court.

279. The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or Supreme Court of Judicature, or any Superior Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for any such Court, if it shall think fit, to order that during the investigation into any particular case triable by a Court of Session or by a Supreme Court of Judicature, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

CHAPTER XVIII.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

280. 281. Person charged with rioting and other specified offences against the peace, if convicted before Court of Session or Magistrate, &c., may require of the defendant a recognizance in sum proportionate to his means, to keep the peace for not exceeding one year if required by Magistrate, not exceeding 3 years if by Court of Session, and Officer below Magistrate may refer defendant to Magistrate if he thinks such recognizance should be given; and (281) besides the personal recognizance of the defendant, sureties may be required, under the same limitations as to term.

282—284. Empowers Magistrate, &c., on credible information of probability of breach of the peace, whether by European British subject or other, to summon party to show cause why he should not give security; which summons (283) shall set forth the information, amount of security, &c., required, and (284) security bond shall be in form (D) of Appendix, &c.

285. *On default of appearance on summons (if duly served) warrant may be issued, or in specified case arrest may be made in first instance.*

286. *Magistrate may dispense with personal attendance of party and permit appearance by Agent.*

287—290. Empowers Magistrate in his discretion to discharge party without binding him over; but (288) if being required to give security he does not, he may be committed by Magistrate (289) for not more than a year, within which he may be released on giving the security; but (290) if Magistrate is of opinion the term should be extended, he may report to the Court of Session which, on enquiry, may extend the term another year.

291. Empowers Magistrate to discharge all securities, and persons under bond or in custody under the preceding Sections.

292. Surety may at any time get discharged on application to Magistrate, who may take fresh sureties.

293. 294. Magistrate on forfeiture of bond, &c., may call on the principal to show cause why he should not pay, and on default to pay or show sufficient cause, may proceed to enforce payment by distress and sale, &c., and if not realized may commit to Civil jail for the debt, for not exceeding six months; and (294) may in like manner proceed to enforce the bond against the sureties.

Personal recognizance to keep the peace in cases of conviction.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Court of Session or the Magistrate of the District or other Officer exercising the powers of a Magistrate, and the Court or Magistrate or other Officer as aforesaid, by which the accused

person is convicted, or the Court or Magistrate or other Officer as aforesaid, by which the final sentence or order in the case shall be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted, it shall be lawful to such Court or Magistrate or other Officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, in addition, to direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by the Magistrate of the District or other Officer exercising the powers of a Magistrate, or three years if the sentence or final order be passed by a Court of Session. When any accused person shall be convicted of any offence specified in this Section by an Officer not exercising the powers of a Magistrate, such Officer, if he consider it just and necessary to require a penal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other Officer exercising the powers of a Magistrate to whom such Officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

Security to keep the Peace.

281. In cases in which it may appear necessary to require security for keeping the Peace, in addition to the personal recognizance of the party so convicted, it shall also be lawful to the Court or Magistrate or other Officer as aforesaid, empowered to require a penal recognizance under the last preceding Section, to require security in addition thereto and to fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District, or other Officer exercising the powers of a Magistrate, or three years if the order be passed by the Sudder Court or by a Court of Session.

Summons to any person to show cause why he

282. It shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, whenever he shall receive credible

should not enter into a bond to keep the peace.

information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, to summon such person to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate shall think fit.

Form of Summons.

283. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and if security is called for, the number of sureties required, and the amount in which they are to be bound respectively. Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

Penalty.

284. The penalty of such bond, which shall be in the form (D) given in the Appendix, or to the like effect, shall be fixed with a due regard to the circumstances of the case and the means of the party, and the amount in which the sureties shall be bound shall not exceed the said penalty.

Warrant of arrest.

285. If the person summoned shall not attend on the day appointed, the Magistrate or other Officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest. Provided that whenever it shall appear to the Magistrate or other Officer as aforesaid, upon the report of a Police Officer or upon other credible information, the substance of which report or information shall be recorded, that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, it shall be lawful for the Magistrate at any time to issue a warrant for the arrest of such person.

Magistrate may dispense with personal attendance of party informed against.

286. The Magistrate or other Officer as aforesaid, may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an Agent duly authorized to act in his behalf.

287. If on the appearance of the person, or of his Agent if he is permitted to appear by Agent, the Magistrate or other Officer as aforesaid shall not be satisfied that there is occasion to bind such person to keep the peace, he shall direct his discharge.

Discharge of party informed against.

288. If the Magistrate or other Officer as aforesaid shall be satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person shall fail to comply with the order, it shall be lawful for the Magistrate or other Officer as aforesaid to commit him to jail.

Consequence of not complying with order of Magistrate to enter into a bond.

289. The period for which the Magistrate or other Officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year. When a person shall be committed to jail under the last preceding Section, he shall not be detained by authority of the Magistrate or other Officer as aforesaid beyond the term of one year, and shall be released whenever he shall comply with the order within that term.

Limit for confinement.

290. Whenever it shall appear to the Magistrate or other Officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session, and such Court, after examining the proceedings of the Magistrate or other Officer as aforesaid and making such further enquiry as such Court may think necessary, may, if it shall see cause, authorize the Magistrate or other Officer as aforesaid to extend the term for a further period not exceeding one year, and if the party shall fail to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other Officer as aforesaid shall direct under the orders of the Court of Session, he may be kept in confinement for such further period or until he shall give such bond within that period.

Extension of period of confinement.

Discharge of recognizances.

291. The Magistrate or other Officer as aforesaid may, if he shall see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding Section, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of sureties.

292. A surety for the personal appearance of another person may at any time apply to the Magistrate or other Officer as aforesaid, to be relieved from his engagement as surety. On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound, may appear or be brought before him. On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other Officer as aforesaid shall direct the engagement of the surety to be cancelled. and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

Enforcement of penalty against the principal party.

293. Whenever it may be proved before the Magistrate or other Officer as aforesaid that any recognizance or other bond taken under this Chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof or to show cause why it should not be paid ; and if sufficient cause be not shown and the penalty be not paid, the Magistrate or other Officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which shall be found within the jurisdiction of the Magistrate of the District, and if the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate or other Officer as aforesaid in the Civil Jail for a period not exceeding six months.

Recovery of penalty from surety.

294. Whenever it may be proved before the Magistrate or other Officer as aforesaid that any bond with a surety has been forfeited, the Magistrate or other Officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid ; and if no sufficient

cause be shown, and the penalty be not paid, the Magistrate or other Officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER XIX.

SECURITY FOR GOOD BEHAVIOUR.

295—299.—Person lurking any where without ostensible means, and not giving account of himself, may be required by Magistrate to give security for good behaviour for not exceeding six months. (296) Same provision as to robber, by repute, house-breaker, thief, receiver, or person of notoriously bad "livelihood;" (297) same provision as to last mentioned descriptions of persons while in prison, on evidence of their being *habitually* those characters, and also as to desperate and dangerous characters, empowering Magistrate to record his opinion, &c., and require further security, &c.; and (298) send the proceedings to the Court of Session for orders, &c.; and (299) that Court may direct extended imprisonment not exceeding 3 years.

300. Directs that all orders requiring security for good behaviour shall state the amount, and the number of sureties required and the term, and be in Form (F) of Appendix.

301. On default of giving the required security, defaulter shall be committed for not longer than the time for which security was required.

302. 303. Empowers Magistrate, &c., to release persons confined by his own order for want of sureties, if it can be done without danger, &c.; and (303) as to person committed by Court of Session to report to that Court, if he thinks party can be released without danger.

304. Entitles security to apply for cancelment of their bonds, and directs commitment of principal in default of finding fresh sureties.

305. On proof of an offence by principal contrary to his bond for good behaviour, surety shall be called upon to pay or shew cause why not, and on default of either, penalty may be enforced by attachment and sale of moveable property, &c., and in default of realization party may be imprisoned in Civil jail not exceeding six months.

306. 307. Provisions of Chapter 18, respecting summonses and warrants, to apply to proceedings under this Chapter, and (307) all evidence taken under Chapter 18 or this Chapter shall be taken in manner prescribed by Section 267, subject to Section 268.

When Magistrate may require security for good behaviour for six months.

295. Whenever it shall appear to the Magistrate of the District or to an Officer exercising the powers of a Magistrate, that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, it shall be competent to such Magistrate or other Officer

as aforesaid to require security for the good behaviour of such person for a period not exceeding six months.

When Magistrate may require security for good behaviour for one year.

296. Whenever it shall appear to such Magistrate or other Officer as aforesaid, from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of notoriously bad livelihood, it shall be competent to such Magistrate or other Officer as aforesaid to require security for the good behaviour of such person for a period not exceeding one year.

How to proceed in cases beyond one year.

297. Whenever it shall appear to such Magistrate or other Officer as aforesaid from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the Magistrate or other Officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

Case to be laid before the Court of Session.

298. If the person required to furnish security, as provided in the last preceding Section, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the Magistrate or other Officer as aforesaid as it may judge proper.

Court of Session may require security not exceeding three years.

299. If the Court of Session shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

300. In every instance in which security for good behaviour shall be required by the Court of Session, or the Magistrate or other Officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order. The security-bond shall be in the form (F) given in the Appendix, or to the like effect.

What the order for Security is to contain.

301. In the event of any person required to give security under the provisions of the foregoing Sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same. Provided that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

Proviso.

302. The Magistrate of the District or other Officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any Officer subordinate to him, provided he shall be of opinion that such person can be released without hazard to the community.

When Magistrate may release persons under requisition of security.

303. In any case in which a Magistrate or other Officer as aforesaid shall be of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, the Magistrate or other Officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

When he must report.

304. A surety for the good behaviour of a person may at any time apply to the Magistrate or other Officer as aforesaid to be relieved from his engagement as surety. On such application being made, the Magistrate or other Officer as aforesaid shall issue his summons or war-

Discharge of surety.

rant in order that the person may appear or be brought before him. On the appearance of the party pursuant to the warrant or on his voluntary surrender, the Magistrate or other Officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person to give fresh security, and in default thereof shall commit him to custody.

Proceeding to compel payment of penalty by sureties.

305. Whenever the Magistrate or other Officer as aforesaid shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate or other Officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to such surety which may be found within the jurisdiction of the Magistrate of the District; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety shall be liable to imprisonment by order of the Magistrate or other Officer as aforesaid in the Civil jail, for a period not exceeding six months.

Issue of summons and warrant of arrest.

306. The several provisions of the last preceding Chapter relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this Chapter against persons required to give security for their good behaviour.

Manner of taking evidence under Chapter XVIII or this Chapter.

307. Any evidence taken under Chapter XVIII or this Chapter, shall be taken in the manner prescribed by Section 267, subject to the provision contained in Section 268 of this Act.

CHAPTER XX.

OF LOCAL NUISANCES.

308—312. For removal from thoroughfare or public place, of any unlawful obstructions or nuisance; for suppression, &c., of any trade or occupation as injurious to health &c.; for prevention of building or of disposal of com-

bustibles for sake of public safety; for removal of buildings in danger of falling, &c.; for prevention of danger from tank or well, &c., Magistrate, &c., may order parties responsible to appear to remove the nuisance or show cause to the contrary; which order (309) if practicable, shall be served personally, otherwise by sticking up notice; and (310) party notified shall obey the order, or show cause against it, or he may have a jury on the reasonableness of the order, such jury to consist of not less than 5, &c.; the order to be suspended in the meantime and finally disposed of according to decision of jury. In case of default of defendant or jury, order of Magistrate to be carried out, and (311) defendant in case of default shall be liable to penalty under Section 138 Indian Penal Code; or (312) in case a jury shall have affirmed the order, shall be bound to obey the order under same penalty.

313. If defendant appears and shows that the order is not reasonable, no further proceedings shall be taken.

314. Empowers Magistrate to issue an injunction order on party indicated in Section 308, to prevent imminent injury or danger.

315. Saves the operation of Section 48 of Act XXIV 1859, and of Section 34 of Act V 1861.

Magistrate may order removal of nuisances.

308. Whenever the Magistrate of a District or of a division of a District may consider that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place, or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place, or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented, or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary, or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public, he may issue an order to the person causing such obstruction or nuisance or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on such person, within a time to be fixed in the order, to remove such obstruction or nuisance, or to suppress or remove such trade or occupation, or to stop the construction of, or to remove such building, or to alter the disposal of such substance, or to fence

such tank or well, (as the case may be,) or to appear before such Magistrate within the time mentioned in the order, and show cause why such order should not be enforced.

Service or notification of order.

309. Such order shall, if practicable, be served personally on the person to whom it is issued; but if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

Person ordered shall obey the order, or may claim a Jury.

Constitution of Jury.

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate to show cause as aforesaid, or he may apply to the Magistrate by petition for an order for a Jury to be appointed to try whether the order is reasonable and proper. On receiving such petition, the Magistrate shall forthwith appoint a Jury which shall consist of not less than five persons, whereof the President and one-half of the members shall be nominated by such Magistrate, and the remaining members by the party petitioning. The Magistrate shall suspend the execution of the order pending such enquiry, and be guided by the decision of the Jury, which shall be according to the opinion of the majority. If the petitioner shall, by neglect or in any other way, prevent the appointment of a Jury, or if from any cause the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if from any of the above causes no decision be made by the Jury, the order of the Magistrate shall be carried into effect as hereinafter provided.

Proceeding in case of neglect by Jury.

Procedure in case of disobedience or neglect by party ordered.

311. If the person to whom the order mentioned in Section 308 is issued shall not obey such order, or show cause against the same as hereinafter provided, or petition for a Jury within the time specified in such order, he shall be liable to the penalty pre-

scribed in that behalf in Section 188 of the Indian Penal Code, and the Magistrate who issued such order may proceed to carry such order into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the personal property of the person aforesaid, and no suit or action shall be entertained in any Court in respect of any thing necessarily or reasonably done to give effect to such order.

If Jury find order of Magistrate to be reasonable and proper.

312. If in a case referred to a Jury, the Jury shall find that the order of the Magistrate is reasonable and proper, the Magistrate shall give notice thereof to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed therein under the penalty provided by the Indian Penal Code as aforesaid. If such latter order shall not be obeyed, the Magistrate may proceed as in the last preceding Section.

If party ordered satisfy the Magistrate that the order is not reasonable and proper.

313. If the person to whom the order of the Magistrate is issued shall appear and show cause against the same, and shall satisfy the Magistrate that the order is not reasonable and proper, no further proceedings shall be taken in the case.

Issue and enforcement of injunction.

314. If, pending the enquiry by a Jury, the Magistrate shall consider that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, it shall be lawful for such Magistrate to issue such an injunction and order to the person mentioned in that behalf in Section 308, as shall be required to obviate or prevent such danger or injury, and in default of such person forthwith taking all necessary measures ordered to be taken by such injunction or order, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury, and no suit or action shall be entertained in respect of any thing necessarily or reasonably done for that purpose.

Saving of certain provisions.

315. Nothing in this Chapter shall interfere with the provisions of Section XLVIII of Act XXIV of 1859 (*for the better regulation of the Police with-*

in the territories subject to the Presidency of Fort St. George) or of Section XXXIV of Act V of 1861 (*for the regulation of Police.*)

CHAPTER XXI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

316. Empowers Magistrate, &c., to make an order for maintenance of wife or child, legitimate or illegitimate, unable to maintain himself, at rate not exceeding 50 Rs. per month, and in default of payment to issue distress warrant. Order not to be made if wife is living in adultery, or refuses, without reason, to live with her husband.

317. Authorizes Magistrate to entertain application to reduce the allowance on alteration of circumstances.

Magistrate may make order for maintenance of wives and children.

316. *If* any person having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate of the District or other Officer exercising the powers of a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty Rupees in the whole, as to the Magistrate or other Officer as aforesaid shall seem reasonable; and if such person shall wilfully neglect to comply with the order, the Magistrate or other Officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order such person to be imprisoned with or without hard labor for any term not exceeding one month. Provided that, if such person offer to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate or other Officer as aforesaid to consider any grounds of refusal stated by such wife; and he may make the order allowed by this Section notwithstanding such offer, if he shall be satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty. No wife shall be entitled to receive an allowance from her husband under this Section, if she is living in adul-

Enforcement of order.

Proviso.

tery, or if without any sufficient reason she refuses to live with her husband.

Application for reduction of allowance.

317. Any person ordered to pay a monthly allowance for the maintenance of his wife, or child, or both, under the provisions of the last preceding Section, may apply to the Magistrate, from time to time, for the reduction of such allowance; and on proof of an alteration in the circumstances of such person, his wife, or child, justifying such reduction, such Magistrate may make such reduction in the allowance ordered as he may deem fit.

CHAPTER XXII.

OF DISPUTE RELATING TO THE POSSESSION OF LAND OR THE RIGHT OF USE OF ANY LAND OR WATER.

318, 319. Empowers Magistrate, &c., in case of dispute likely to induce breach of the peace, concerning land, &c., to call on all parties to attend his Court, whereupon he may declare what party shall be entitled to have possession until ousted in due course of law; or (319) if none of the parties to the dispute be in possession, he may attach the land, &c., till the rights are determined, &c.

320. Empowers Magistrate in case of dispute concerning the right of land or water to enquire, and may make order prohibiting exclusion of parties whom he may deem entitled, but such order not to be made if right of use shall not have been exercised within 3 months of right claimed all the year.

321. Save the powers of a Collector, &c.

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

318. Whenever the Magistrate of the District or other Officer exercising the powers of a Magistrate shall be satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, premises, water, fisheries, crops, or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other Officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

Party in possession to be continued until ousted by due course of law.

The Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire which party is in possession of the subject of dispute, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to be in such possession, to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

319. If the Magistrate or other Officer as aforesaid shall decide that neither of the parties is in possession, or shall be unable to satisfy himself as to which person is in possession of the subject of dispute, he may attach the subject of dispute until a competent Civil Court shall have determined the rights of the parties or who ought to be in possession.

Disputes concerning right of use of land or water.

320. If a dispute arise concerning the right of use of any land or water, the Magistrate or other Officer as aforesaid, within whose jurisdiction the subject of dispute lies, may enquire into the matter, and if it shall appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, the Magistrate or other Officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate or other Officer as aforesaid shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the enquiry, or in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

Saving of powers of Collectors and Revenue Courts.

321. Nothing in this Chapter shall affect the powers of a Collector or a person exercising the powers of a Collector, or of a Revenue Court.

CHAPTER XXIII.

OF JURORS AND ASSESSORS.

322, 323. Empowers the local Government to order Court of Session trials of all or any particular offences to be by jury; but (323) all trials in Court of Session, of Europeans (not British subjects), and Americans shall be by jury, of at least one-half of Europeans or Americans, unless they elect to be tried without jury: but such option not, if jury trial has been ordered by Government for the District.

324. Court of Session trying without jury shall have aid of 2 or more Assessors, whose opinion shall be recorded, but the decision is vested exclusively in the Judge.

325, 326. Of Jury on trial (except of European not British subject and American) one-half, at desire of accused, shall consist of persons not being either European or American; and (326) if person not entitled to privilege under Section 323 is tried with person who is entitled to and claims, the former shall, if he desires it, be tried separately.

327. The Jury in Court of Session shall consist of odd number, not less than 5 or more than 9, to be fixed by order of Government.

328. On unanimity of all the jurors, or of 4 out of 5, 5 out of 7, or 6 out of 9 accused may be convicted. On unanimity of all the jurors or of 4 out of 5, 5 out of 7, or 6 out of 9, the accused shall be acquitted, and no verdict of acquittal shall be received except from numbers aforesaid.

329—332. Collector, &c., to prepare general Jury list, of persons qualified by education and character, &c; copies (330) of which list shall be stuck up in Office, &c., with notice for revising it on objections, and (331) list to be revised and signed, &c; and (332) revision to be made annually.

333. Makes, except as provided hereinafter, all male residents between 21 and 60, liable to be put on Jury list, and to serve as Jurors and Assessors.

334. Disqualified persons are:—(1) persons holding office in the Court; (2) the Police and persons executing Police duties; (3) persons convicted of offence against the State or of fraudulent offence, &c.; (4) persons afflicted with incapacitating infirmity; (5) persons who have relinquished by vow or habit all care of worldly affairs.

335. Exempted persons are:—(1) Judges and Judicial Officers; (2) Commissioners and Collectors of Revenue or Customs; (3) Preventive Officers of Customs; (4) persons employed in the collection of the Revenue whom the Collector may exempt; (5) Chaplains and persons in religious offices; (6) persons in Military Service; (7) Surgeons and Medical Practitioners; (8) persons employed in Post Office and Electric Telegraph Departments; (9) Officiating Priests of all religions; and (10) persons exempted from personally appearing in Court by Section 2 of Act VIII. 1859; but exempted persons are not disqualified, but may serve.

336, 337. Court of Session to summon for Jury service as many persons not fewer than double the number required actually to serve, to be drawn by lot

(not having served within six months) as Court may deem necessary, 3 days before the Session; (337) summons to be in writing and served personally, unless absent and then be left with male adult of family.

338. Court of Session may summons extra number of jurors if attendance of one set for the whole Session would be likely to be oppressive.

339. Jurors in Government Offices to be served through the Head of the Office, and may be excused on representation of latter, &c.

340. Court of Session may excuse any Juror for reasonable cause.

341. Court to keep a list of the Jurors who serve at each Session.

342. From Jurors returned Jury to be chosen by lot, assessors to be selected by Judge; (343) names of Jurors to be called over, and accused and prosecutor may challenge; objection to be decided by Court, and if allowed, another to be called in lieu of former.

344. Objections to Jurors shall be allowed if made on following grounds:—(1) any disqualification within Section 334; (2) standing in relation of husband, master, or servant, &c., to either prosecutor or accused, &c.; (3) any circumstance likely in the judgment of the Court to cause a bias, &c., to either side.

345. Judge not to allow any one to serve who does not understand the language in which the evidence is given or interpreted.

346. The Jury to appoint a Foreman to preside, &c., deliver verdict, and ask information; or Court shall name Foreman if majority of Jury cannot agree.

347. Same Jury (subject to challenge) may try several successive cases.

348. Provides for a view being had by the Jury.

349. Provides for summoning and empannelling Jury for trial of European (not being British subject) and American.

350. In case of inability of a Juryman to sit through a trial, or of Juror absenting himself, &c., a new Juror or new Jury may be called, and the trial shall commence anew.

351. In case of verdict of guilty or not guilty by a majority of the Jury composed of less than the required number, there shall be a new trial by a new Jury, and on second trial, an acquittal by a simple majority shall be final.

352. After the Judge has summed up, the Jury may retire, &c., and on returning Jury shall be asked by Judge if they are unanimous, and if not they may be sent back for further deliberation, and if after reasonable time they remain not unanimous, the Jury may deliver their verdict.

353. If Assessor before the finding becomes unable to sit through, Court may proceed without him. If all the Assessors become so, a new trial shall be held.

354. Juror or Assessor failing without lawful excuse to attend, or absenting himself in Court of Session, may be fined not exceeding 100 Rs., to be levied by distress and sale of goods, &c., and in default of realization by imprisonment in Civil Jail.

322. The local Government may order that the trial of all offences or of any particular class of offences by any Court of Session shall be by Jury in any District, and such local Government may from time to time revoke or alter such order. Orders passed under this Section shall be published in the Government *Gazette*, and in such other manner as the local Government shall direct.

Local Government by order to specify in what places trials to be by Jury.

323. Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person, or one of the accused persons, shall be by Jury; and in such case the Jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subject or not) or Americans, if such a Jury can be procured. Provided that in any District in which the local Government shall not have ordered that all trials or trials for all offences of the class within which the trial about to take place falls, shall be by Jury, such European or American may elect to be tried without Jury.

How the Jury is to be constituted for the trial of persons belonging to certain specified races.

Proviso.

324. In a trial before the Court of Session not by Jury, the trial shall be conducted with the aid of two or more Assessors as members of the Court. The opinion of each Assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

Trials before the Session Court with Assessors.

325. In a trial by Jury before the Court of Session in which a person not belonging to the races specified in Section 323 shall be tried, at least one-half of the Jury, if the accused person desire it, shall consist of persons not belonging to either of such races.

How the Jury is to be constituted for the trial of other persons.

326. In any case before the Court of Session in which a person not belonging to the races mentioned in Section 323 is charged jointly with a person belonging to one of those races, and such last-mentioned person claims to be tried by a Jury consisting of at least one-half of Europeans or Americans,

How the Jury is to be constituted when persons of both descriptions are jointly charged.

the person not belonging to either of such races shall, if he desire it, be tried separately.

Number of which the Jury is to consist.

327. In trials by Jury before the Court of Session, the Jury shall consist of five persons, or of such number being an uneven number, and not being less than five or more than nine, as the local Government by any general order applicable to any particular District or to any particular classes of offences in that District shall direct.

Number of voices necessary to a verdict.

328. If the Jury are unanimous in a verdict of guilty, the accused person shall be convicted. If the Jury shall consist of five persons and a majority of four find the accused person guilty, or if the Jury shall consist of seven persons and a majority of five find the accused person guilty, or if the Jury shall consist of nine persons and a majority of six find the accused person guilty, the accused person shall be convicted. If the Jury are unanimous in a verdict of not guilty, the accused shall be acquitted. If the Jury shall consist of five persons and a majority of four find the accused person not guilty, or if the Jury shall consist of seven persons and a majority of five find the accused person not guilty, or if the Jury shall consist of nine persons and a majority of six find the accused person not guilty, the accused person shall be acquitted, and the Judge shall not receive a verdict of acquittal unless it be unanimous or found by such majority as last aforesaid.

List of Jurors and Assessors.

329. The Collector of the District or other Officer exercising the powers of a Collector of a District shall, from time to time, prepare and make out in alphabetical order, a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the local Government may think fit to direct, who are, in the judgment of the Collector or other Officer as aforesaid, qualified from their education and character to serve as Jurors or as Assessors respectively. The list shall contain the name, place of abode, and quality or business of every such person; and if the person belongs to either of the races specified in Section 323, the list shall mention the race to which he belongs.

330. Copies of such list shall be stuck up in the Office of the Collector or other Officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside, and every such copy shall have subjoined to it a notice, stating that objections to the list will be heard and determined by the Collector or other Officer as aforesaid, at a time and place to be mentioned in the notice.

Publication of list.

331. The Collector or other Officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a Juror or as an Assessor, and insert the name of any person omitted therefrom, whom he deems qualified for such service. A copy of the revised list shall be signed by the Collector or other Officer as aforesaid, and transmitted to the Court of Session. Any order of the Collector or other Officer as aforesaid in preparing and revising the list shall be final.

Revision of list.

332. The list so prepared and revised shall be again revised at least once in every year, and the list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Further revision of list.

333. Except as hereinafter provided, all male persons between the ages of twenty-one and sixty, resident within the limits of the jurisdiction of the Court of Session, shall be deemed capable of serving as Jurors and Assessors, and shall be liable to be summoned accordingly.

Jurors.

334. The following persons are incapable of serving as Jurors or as Assessors in trials before the Court of Session, namely :—

Disqualifications.

Persons who hold any Office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the

State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the Jury.

Persons who are afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

Exemptions.

335. The following persons are exempt from the liability to serve as Jurors or as Assessors, namely :—

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the Revenue whom the Collector may think fit to exempt on the ground of official duty.

Chaplains and others employed in Religious Offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of Section 22 of Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.*)

Person exempted is not bound to avail himself of his right of exemption.

The exemption from service given by this Section is a right of which each person exempted may avail himself or not. Nothing herein contained shall be construed to disqualify any such person if he shall be willing to serve as a Juror or as an Assessor.

Court to summon Jurors.

336. The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of Sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by Jury and trials with the aid of Assessors at

the said Sessions, the number to be summoned not being less than double the number required for any case about to be tried at such Sessions. The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

Form and service of summons.

337. Every summons to a Juror or Assessor shall be in writing, and shall require his attendance as a Juror or Assessor at a time and place to be therein specified. The summons or a copy thereof shall be served on every Juror or Assessor personally. If the Juror or Assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

Power of Court to summon another set of Jurors or Assessors.

338. The Court of Session may direct Jurors or Assessors to be summoned at other periods than the period specified in Section 336 when the number of trials before the Court renders the attendance of one set of Jurors or Assessors for a whole Session oppressive, or whenever it may be found to be necessary.

Service of summons to serve as Juror or Assessor, on an Officer of Government.

339. If any person summoned to serve as a Juror or Assessor, be an Officer of Government, the summons shall be transmitted to such person through the Head Officer of the Office in which he is employed, and the Court may excuse the attendance of such person if it shall appear on the representation of such Head Officer that such person cannot serve as a Juror or Assessor without inconvenience to the public service.

Court may excuse attendance of a Juror or Assessor.

340. The Court of Session may excuse any Juror or Assessor from attendance for reasonable cause.

List of names of Jurors or Assessors attending at each Session.

341. At each Session the Court shall cause to be made a list of the names of those who serve as Jurors or Assessors at such Session. The list shall be kept with the revised list of the Jurors and Assessors prepared under Section 331. A reference shall be made

in the margin of the said revised list to each of the names which are mentioned in the list prepared under this Section.

Jurors to be chosen by lot.

342. Whenever a trial by Jury is to be held, the persons who are to constitute the Jury shall be chosen by lot immediately before the commencement of the trial from the Jurors who attend in obedience to the summons. If the trial is to be held with the aid of Assessors, the Judge shall select from the persons summoned to act as Assessors, two or more persons to assist him in such trial.

Assessors to be selected by Judge.

Names of Jurors to be called.

343. Before the commencement of a trial by Jury the names of the Jurors shall be called aloud, and upon the appearance of each Juror, the accused person shall be asked if he objects to be tried by such Juror. Any objection may then be made to such Juror by the accused person or by the Government Pleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated. Any objection made to a Juror shall be decided by the Court, and the decision of the Court shall be final. If an objection be allowed, the place of such Juror shall be supplied by any other Juror in attendance in obedience to a summons, or if there be no such Juror present, then by any other person present in the Court whose name is on the list of Jurors, or whom the Court shall consider a proper person to serve on the Jury, provided no objection to such Juror or other person be made and allowed.

Objections.

Grounds of objection.

344. Any objection taken to a Juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(1.) Any ground of disqualification within Section 334.

(2.) Standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused; being in the employment on wages of either of such persons; being plaintiff or defendant against either of such persons in any Civil suit, or having complained against or having been accused by either of such persons in any Criminal prosecution.

(3.) Any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favor to, either of such persons.

Juror to understand the language in which evidence is given or interpreted.

345. The Judge shall not allow any person to serve on the Jury, unless such person understands the language in which the evidence is given or interpreted.

Foreman of Jury.

346. The Jury shall appoint one of their number to be Foreman. It shall be the duty of such Foreman to preside in the debates of the Jury, to deliver the verdict of the Jury, or ask any information from the Court that may be required by the Jury. If a majority do not agree in the appointment of a Foreman, he shall be named by the Court.

The same Jury or Assessors may try in succession several offenders.

347. The same Jury, if not objected to, may try, or the same Assessors may aid in the trial of, as many accused persons successively as to the Court shall seem expedient.

View by Jury or Assessors.

348. Whenever in the opinion of the Court it may be proper and convenient that the Jury or Assessors should have a view of the place in which the offence charged is said to have been committed, or of any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the Jury or Assessor shall be conducted in a body under the care of an Officer of the Court to the place which shall be shown to them by a person appointed by the Court, and it shall be the duty of the Officer not to suffer any other person to speak to or hold any communication with any of the Jury or Assessors, and they shall, when the view is finished, be immediately conducted back into Court.

Mode of summoning and empannelling Jurors for a Jury constituted under Section 323.

349. When a trial is held in which the accused person or one of the accused persons is entitled to be tried by Jury constituted under the provisions of Section 323 of this Act, the Court of Session shall, three days at the least before the day fixed for holding such trial, cause to be summoned in the manner prescribed in Section 336 such a number of Jurors of the races mentioned in Section 323 as is equal to the total number of Jury-

men required for the trial, if so many of such races be on the Jury List of the District. The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for Jury trials at that Session. The names of the persons to be summoned shall be drawn by lot, excluding those who have served within six months, unless the number cannot be made up without them. From the whole number of persons returned, the Jurors who are to constitute the Jury shall be taken by lot in the manner prescribed in Section 342, until a Jury, containing the proper number of the races mentioned in Section 323, or a number approaching as nearly thereto as possible, has been obtained. The Jurors shall be liable to the same objections as any other Jurors. If a Jury containing the requisite number of the races mentioned in Section 323 be not obtained, the accused person may elect to be tried by the Judge with the aid of Assessors; otherwise he shall be tried by the Jury obtained by the means aforesaid.

If, prior to finding, any of the Jury be unable to proceed with the trial.

350. If, in the course of a trial by Jury at any time prior to the finding, any Juror shall, from any sufficient cause, be prevented from attending through the trial, or if any Juror shall absent himself, and it shall not be possible to enforce his attendance, a new Juror shall be added, or the Jury shall be discharged, and a new Jury empannelled, and in either case the trial shall commence anew.

Verdict of guilty by less than the specified majority of Jury.

351. In any trial by Jury if the accused person is found guilty by a majority consisting of a less number of the Jury than is specified in that behalf in Section 328 of this Act, or if the accused person be found not guilty by a majority consisting of a less number of the Jury than is therein in that behalf specified, the Jury shall be discharged, and in any such case as aforesaid there shall be a new trial before a Jury consisting entirely of other Jurors, and the accused person may be remanded or held to bail for such new trial. If, on any new trial by Jury, the accused person shall not be found guilty by a majority consisting of such a number as aforesaid, he shall be acquitted.

When and how long Jury may retire for finding.

352. At the close of the trial, and after the Judge has summed up the evidence as hereinafter provided by Section 379 of this Act, the Jury may retire to consider their finding, and it shall be the duty of an Officer of the Court not to suffer any person to speak to or hold any communication with any member of such Jury. In any case in which a Jury shall be prepared to deliver their finding, the Judge shall ask the Jury whether they are unanimous, and if the Foreman or one of the Jury shall declare that they are not unanimous, the Judge may require such Jury to retire for further consideration. If after such a period as the Judge shall consider reasonable, the Foreman or any one of the Jury shall declare that they are not unanimous, the Jury may deliver their verdict.

If either of the Assessors be unable to proceed with trial.

353. If, in the course of a trial with the aid of Assessors, at any time prior to the finding, any Assessor shall, from any sufficient cause, be prevented from attending through the trial, the trial shall proceed with the aid of the other Assessor or Assessors. If all the Assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh Assessors.

Penalty for non-attendance of Juror or Assessor.

354. Any person summoned to attend as a Juror or as an Assessor, who shall without lawful excuse fail to attend as required by the summons, or having attended shall depart without having obtained the permission of the Court, shall be liable by order of the Court of Session to a fine not exceeding one hundred Rupees, to be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such Juror or Assessor within the jurisdiction of the Court making the order, or in default of recovery of the fine by such attachment and sale, such Juror or Assessor may be imprisoned in the Civil Jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER XXIV.

OF SUBORDINATE JUDGES AND PRINCIPAL SUDDER AMEENS IN THE PRESIDENCY OF FORT SAINT GEORGE.

355. Saves the existing criminal jurisdiction of Subordinate Judges and Principal Sudder Ameens in Madras, and confers on them the same power of punishment as Magistrates have under this Act.

356, 357. Subordinate Magistrates of first and second class in Madras shall commit to Court of Session for offences exclusively triable by that Court, and according to orders of Sudder shall commit either to the Subordinate Judges and Principal Sudder Ameens or to Magistrates cases triable by the former, and Magistrate shall proceed as if proceedings had been held in other Court; and (357) if Subordinate Magistrate finds party guilty and deserving punishment exceeding his powers, he shall send his proceedings to Magistrate to pass sentence, &c.

358. Subordinate Judges and Principal Sudder Ameens shall follow rules of Procedure prescribed for Magistrates, and may commit to Court of Session cases appearing presumably to call for heavier punishment than they can give.

Criminal Jurisdiction and powers of punishment of Subordinate Judges and Principal Sudder Ameens.

355. The Subordinate Judges and Principal Sudder Ameens in the Presidency of Fort Saint George shall continue to exercise under this Act, subject to the provisions of the Indian Penal Code, the Criminal jurisdiction which they are competent to exercise under any law for the time being in force, and shall have the same powers of punishment as are given by this Act to an Officer exercising the powers of a Magistrate.

What cases Subordinate Magistrates may commit and what cases they may refer to Magistrate.

356. Subordinate Magistrates of the first and second class in the Presidency of Fort Saint George shall commit to the Court of Session any persons charged with offences triable exclusively by that Court, or shall, under such orders as the Sudder Court shall from time to time issue, either commit to the Subordinate Judges or Principal Sudder Ameens the cases of persons accused of offences triable by such Subordinate Judges or Principal Sudder Ameens, or refer such cases for the orders of the Magistrate of the District or other Officer exercising the powers of a Magistrate. If the case be referred to the Magistrate of the District or other Officer as aforesaid, such Magistrate or other Officer shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

357. If in any case tried by a Subordinate Magistrate of the first or second class in the Presidency of Fort Saint George in which the accused person is found guilty, such Magistrate shall consider the offence established against the accused person to call for a more severe punishment than such Magistrate is competent to adjudge, he shall record the finding and submit his proceedings to the Magistrate of the District or other Officer exercising the powers of a Magistrate, and the Magistrate of the District or other Officer as aforesaid shall pass such sentence or order in the case as he may deem proper and as shall be according to law. In any such case the Magistrate or other Officer to whom the proceedings are submitted may examine the parties, and recall and examine any witness who shall already have given evidence in the case, and he may call for or take any further evidence.

Subordinate Magistrate after trial may refer to Magistrate of the District.

358. In cases committed for trial before the Subordinate Judges or Principal Sudder Ameens in the Presidency of Fort Saint George, they shall be guided by the rules contained in this Act, for the trial of cases before the Magistrate, which are hereby made applicable to such cases. The Subordinate Judges and Principal Sudder Ameens may commit any case to the Court of Session in which the evidence is such as to warrant a presumption that the accused person has been guilty of an offence calling for a more severe punishment than such Subordinate Judges or Principal Sudder Ameens are authorized to adjudge.

Cases committed for trial before Subordinate Judges and Principal Sudder Ameens.

CHAPTER XXV.

TRIALS BEFORE THE COURT OF SESSION.

359, 360. Except in cases referred to in Section 172, Court of Session shall have cognizance only of cases committed to it by Magistrate or other competent Officer; and (360) every trial shall be prosecuted on behalf of Government and the complainant be a witness.

361. Empowers Court to postpone trial.

362—365. Trial to commence by reading, &c., charge to the accused and asking him if he is guilty or claims to be tried, &c., and (363) if he refuse

to plead, &c., the Court shall proceed to try him; and (354) Sections 195—200 shall apply to trials before Court of Session, which (365) may commit witness for refusing to answer question, &c.

366. The examination of the accused before the Magistrate shall be given in evidence, without proof, &c.

367. Empowers Court to call any witness whose evidence it deems essential.

368—370. Makes the examination of the Civil Surgeon, &c., if duly attested; and (369) the examination of witness who is dead, and of witness whose attendance cannot be procured, evidence; and (370) the report of Chemical Examiner to Government, &c., evidence if signed by him.

371. Makes the dying declaration of deceased person, whether made in presence of accused or not, evidence, if deceased believed himself in danger, &c.

372, 373. At close of case for prosecution, the accused shall be called on for his defence and evidence; and (373) Court may at close of case put any question to the prisoner, who may answer or not at his discretion.

347. Gives the accused the right of addressing the Court by himself or Counsel at close of case for the prosecution, or of his own evidence, &c.

375. Entitles accused to examine any witness in attendance, though not previously named by him.

376. Entitles prosecutor to a reply if accused calls witnesses or answers questions put by the Court.

377, 378. Empowers the Court at its discretion to adjourn the trial; and (378) obliges persons to attend adjourned sitting, under penalty in case of default.

379. Directs the Judge to sum up the evidence; Judge's direction to Jury to form part of the record; and in trials not by Jury the ground of Judge's decision to be recorded.

380. If accused is acquitted, judgment of acquittal to be recorded; if convicted, sentence is to be passed; but sentence of death not to be carried out till confirmed by Sudder; and if for offence capitally punishable, lighter sentence shall be passed, the grounds shall be reported, &c.

Cognizance of offences by the Court of Session in original jurisdiction.

359. Except in the cases referred to in Section 172 of this Act, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence but upon a charge preferred by a Magistrate or other Officer specially empowered under this Act or under any other law to make commitments to such Court.

Every trial before Court of Session to be.

360. In every trial before a Court of Session the prosecution shall be conducted by the Government Pleader or by some other Officer specially

conducted by Government Pleader, &c.

empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

Postponement of trial.

361. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

Commencement of trial.

362. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried. If the accused person plead guilty, the plea shall be recorded, and the accused may be convicted thereon.

Refusal to plead, or plea of claim.

363. If the accused person shall refuse to plead, or shall claim to be tried, the Court shall proceed to try the case, taking all the evidence that is forthcoming.

Provisions relating to examination of parties, &c., in trials before Magistrate to be applicable to trials before Court of Session.

364. The provisions of Sections 195, 196, 197, 198, 199, and 200 of this Act, relating to the examination of parties and witnesses, the mode of recording evidence, and the correction, attestation, and interpretation thereof in trials before the Magistrate, shall be applicable to trials before the Court of Session under this Chapter.

Witness refusing to answer may be committed to custody.

365. If any witness shall refuse to answer any question which shall be put to him, and shall not offer any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer. In the event of such witness persisting in his refusal, he may be dealt with according to the provisions of Section 163 of this Act.

Examination of accused before the Magistrate to be evidence at the trial.

366. The examination of the accused person before the Magistrate shall be given in evidence at the trial. The attestation of the Magistrate shall be sufficient *primâ facie* proof of such examina-

Proof of such examination.

tion, and such attestation shall be admitted without proof of the signature to it, unless the Court shall see reason to doubt its genuineness.

367. It shall be in the discretion of the Court, at any stage of a trial, to summon and examine any witness whose evidence it shall consider essential to the just decision of the case. The Court may also examine as a witness any person in attendance although not summoned as a witness.

Court may summon necessary evidence.

368. The Court shall receive as *primâ facie* evidence the examination of a Civil Surgeon or other Medical witness taken and duly attested by the Magistrate. Provided that it shall be competent to the Court to summon such Civil Surgeon or other Medical witness, if it shall see sufficient cause for doing so.

Evidence of Medical witness.

369. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence if the witness be dead or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Examination of witness taken and attested by Magistrate when admissible.

370. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in preliminary enquiry relating thereto, shall be received in evidence at a trial by the Court of Session, if it bear the signature of such Examiner, and no proof of such signature or that the person signing holds such office, shall be requisite unless the Court shall see reason to doubt the genuineness of the document.

Report of Chemical Examiner admissible in evidence.

371. The declaration of a deceased person, whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Dying declaration.

372. When the case for the prosecution has been brought to

SCHEDULE.—*(Referred to in Section 22 and elsewhere in this Act.)*

Explanatory Notes—1st.—The entries in the 2nd and 6th Columns of the Schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding Sections of the Indian Penal Code, or even as abstracts of those Sections, but merely as references to the subject of the Section, the number of which is given in the 1st Column.

2nd.—The term "Whether bailable or not," in Column 5, is to be taken in connection with the provisions of Sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in Column 7. For example, a Court of Session may try an offence entered in Column 7 as triable by a Magistrate.

4th —Any offence which is triable by an Officer exercising the powers of a Magistrate, may be tried by a Subordinate Judge or a Principal Sudder Ameen in the Presidency of Fort St. George.

5th.—The words "Magistrate of the District," as used in Column 7, shall include any Officer exercising the powers of a Magistrate.

6th.—The words "any Magistrate," as used in Column 7, shall include any Subordinate Magistrate of the 1st or 2nd Class.

7th —In the Territories in British India to which the General Regulations of Bengal, Madras, and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the local Government of those Territories, respectively, shall appoint.

CHAPTER V.—OF ABETMENT.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
109	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.

CHAPTER V.—OF ABETMENT.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto, ...	Ditto, ...	Ditto, ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto, ...	Ditto, ...	Ditto, ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed....	Ditto, ...	Ditto, ...	Ditto, ...	The same punishment as for the offence abetted.	Ditto.

115	Abetment of an offence punishable with death or transportation for life if the offence be not committed in consequence of the abetment.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6 Punishment under the Indian Penal Code.	7. By what Court triable.
	If the offence be not committed, ...	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable.	Imprisonment of either description for 3 years and fine.	By the Court by which the offence abetted is triable.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto, ...	Ditto, ...	According as the offence abetted is bailable or not.	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto,	Ditto, ...	Not bailable, ..	Imprisonment of either description for 10 years.	Ditto.

	If the offence be not committed, ...	Ditto,	Ditto, ...	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to ¼ part of the longest term and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment extending to ⅛ part of the longest term and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Death, or transportation for life, and forfeiture of property.	Court of Session.

CHAPTER VI.—OFFENCES AGAINST THE STATE.—*(Continued)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Court of Session.
123	Concealing with intent to facilitate a design to wage war.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years and fine.	Ditto.
124	Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.

126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in Sections 125 and 126.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto	Ditto.
128	Public servant voluntarily allowing Prisoner of State or War in his custody to escape.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering Prisoner of State or War in his custody to escape.	Ditto, ...	Ditto, ...	Bailable, ...	Simple imprisonment for 3 years and fine.	Ditto.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER VII. OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from his allegiance or duty.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Death or transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
133	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer when in the execution of his office.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
134	Abetment of such assault, if the assault is committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
135	Abetment of the desertion of an Officer, Soldier, or Sailor.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

136	Harbouring an Officer, Soldier, or Sailor who has deserted.	Ditto, ...	Ditto,	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons, ...	Ditto, ...	Fine of 500 Rs., ...	Ditto.
138	Abetment of act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly, ...	May arrest without warrant,	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto,... ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate
147	Rioting, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
148	Rioting armed with a deadly weapon,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence, or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence.	By the Court by which the offence is triable.

150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto, ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto, ...	Summons,... ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed, ...	Ditto, ...	Summons,... ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Summons,... ...	Bailable, ...	Fine of 1,000 Rs....	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7 By what Court triable.
155	Person for whose benefit, or on whose behalf a riot takes place, not using all lawful means to prevent it.	Shall not arrest without warrant.	Summons,... ...	Bailable, ...	Fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
156	Agent of owner or occupier, for whose benefit a riot is committed, not using all lawful means to prevent it.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.

	Or to go armed, ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray,...	Shall not arrest without warrant.	Summons,... ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of 100 Rs., or both.	Any Magistrate

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant, ...	Summons, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding Sections with reference to himself.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.

169	Public servant unlawfully buying or bidding for property.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant,... ...	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto, ...	Summons,... ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 200 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons,... ...	Bailable, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Ditto.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Ditto.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.

175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If the information required respects the commission of an offence, &c.	Shall not arrest without warrant,	Summons, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
178	Refusing oath when duly required to take oath by a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 1,000 Rs., or both.	Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 3 months, or fine of 500 Rs., or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto, ...	Warrant	Ditto, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of 500 Rs., or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawful authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of 200 Rs., or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Section.	2. Offence.	3 Whether the Police may arrest without warrant or not	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
186	Obstructing public servant in discharge of his public functions.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine of 500 Rs., or both,	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.

	If such disobedience causes danger to human life, health, or safety, &c	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If innocent person be thereby convicted and executed.	Shall not arrest without warrant,	Warrant, ...	Not bailable, ...	Death or as above.	Court of Session.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto, ...	Ditto, ...	Ditto, ...	The same as for the offence.	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto, ...	Ditto, ...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto, ...	Ditto, ...	Bailable, ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

199	False statement made in any declaration which is by law received as evidence.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
200	Using as true any such declaration known to be false.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
	If punishable with less than 10 years' imprisonment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ⅛th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
203	Giving false information respecting an offence committed.	Shall not arrest without warrant,	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Magistrate of the District.
209	False claim in a Court of Justice.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender if the offence be capital.	May arrest without warrant, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years and fine.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE —*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If punishable with transportation for life, or with imprisonment for 10 years.	May arrest without warrant.	Warrant, ...	Bailable,... ...	Imprisonment of either description for 3 years and fine.	Court of Session.
	If punishable with imprisonment for 1 year, and not for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.

	If with imprisonment for less than 10 years	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto,	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for less than 10 years.	Ditto, ...	Ditto,	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
215	Taking gift to help to recover moveable property, of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto, ...	Ditto.	Ditto, ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for 1 year and not for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment for ¼th of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons,... ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class only.

218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life or imprisonment for 10 years.	Ditto,... ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, with or without fine.	Ditto.
	If with imprisonment for less than 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto, ...	Ditto.	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto, ...	Summons, ...	Ditto, ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto...	Ditto.
	If charged with an offence punishable with transportation for life or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 3 years and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	If under sentence of death, ...	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
226	Unlawful return from transportation.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, and fine, and rigorous imprisonment for 3 years before transportation.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—*(Continued.)*

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
227	Violation of condition of remission of punishment, ...	Shall not arrest without warrant.	Summons, ...	Not bailable, ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding. ...	Ditto, ...	Ditto, ...	Bailable, ...	Simple imprisonment for 6 months, or fine of 1,000 Rupees, or both.	Court in which the offence is committed, subject to the provisions contained in Chapter X. of this Code.
229	Personation of a juror or assessor,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
	If Queen's Coin, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant, ...	Not bailable, ...	The punishment provided for abetting the counterfeiting of such Coin within British India.	Court of Session.
237	Import or Export of counterfeit Coin, knowing the same to be counterfeit.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
238	Import or Export of counterfeit of the Queen's Coin, knowing the same to be counterfeit.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto, ...	Ditto,	Ditto, ...	Imprisonment of either description for 5 years, and fine.	Ditto.

240	The same with respect to the Queen's Coin, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
245	Unlawfully taking from a Mint any Coining instrument.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7 By what Court triable.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	May arrest without warrant.	Warrant, ...	Not bailable. ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a coin of a different description.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a coin of a different description.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years, and fine.	Ditto.

251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto,	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Ditto.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years, and fine.	Ditto.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
255	Counterfeiting a Government Stamp.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
258	Sale of counterfeit Government Stamp.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
259	Having possession of a counterfeit Government Stamp.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,	Ditto.
260	Using as genuine a Government Stamp known to be counterfeit.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a Stamp used for it with intent to cause wrongful loss to Government.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

262	Using a Government Stamp known to have been before used.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description, for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
263	Erasure of mark denoting that Stamp has been used.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
265	Fraudulent use of false weight or measure.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons,... ...	Bailable, ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 1,000 Rs., or both.	Ditto.
273	Selling any food or drink as food and drink for man, knowing the same to be noxious.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs.; or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
275	Offering for sale or issuing from a dispensary any drug or medical preparation, known to have been adulterated	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation, as a different drug or medical preparation.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest with warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Ditto.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Fine of 500 Rs.	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
281	Exhibition of a false light, mark, or buoy.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

CH. XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.—(*Continued.*)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto, ...	Ditto, ...	Ditto, ...	Fine of 200 Rs. ...	Ditto
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
286	So dealing with any explosive substance.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

287	So dealing with any machinery, ...	Shall not arrest without warrant.	Summons,... ...	Bailable, ...	Imprisonment of either description for 6 months, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
288	A person omitting to guard against probable danger to human life, by the fall of any building, over which he has a right entitling him to pull it down or repair it.	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
290	Committing a public nuisance, . .	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Fine of 200 Rs., ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto, ...	Ditto, ...	Simple imprisonment for 6 months, or fine, or both.	Ditto.
292	Sale, &c., of obscene books, &c., ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
294	Obscene songs,	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,..	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

302	Murder, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto, ...	Ditto, ...	Ditto, ...	Death, ...	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto, ...	Ditto, ...	Ditto, ...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Ditto.
306	Abetting the commission of suicide.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
307	Attempt to murder, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
	If such act cause hurt to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or as above.	Ditto.
308	Attempt to commit culpable homicide.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide, ...	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 1 year, and fine.	Magistrate of the District.

311	Being a thug, ...	May arrest without warrant,	Warrant, ...	Not bailable, ...	Transportation for life, and fine.	Court of Session.
	Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.					
312	Causing miscarriage, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or as above.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years, or fine, or both.	Court of Session.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto.	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

Of Hurt.

323	Voluntarily causing hurt, ...	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
325	Voluntarily causing grievous hurt,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—*(Continued.)*

Of Hurt.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

333	Voluntarily causing grievous hurt to deter public servant from his duty.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto, ...	Summons, ...	Bailable, ...	Imprisonment of either description for 1 month, or fine of 500 Rs., or both.	Any Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 4 years, or fine of 2,000 Rs., or both.	Court of Session or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 250 Rs., or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 6 months, or fine of 500 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine of 1,000 Rs., or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of wrongful Restraint and wrongful Confinement.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
341	Wrongfully restraining any person,	May arrest without warrant.	Summons,... ...	Bailable, ...	Simple imprisonment for 1 month, or fine of 500 Rs., or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
343	Wrongfully confining for three or more days, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.

345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other Section.	Court of Session.
346	Wrongful confinement in secret, ...	May arrest without warrant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Criminal Force and Assault (—Continued.)

1 Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
355	Assault or criminal force with intent to dishonor a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons,... ...	Ditto, ...	Ditto, ...	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant, ...	Not bailable, ..	Ditto, ...	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Ditto
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons,... ...	Ditto, ...	Simple imprisonment for 1 month, or fine of 200 Rs., or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

363	Kidnapping, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
364	Kidnapping or abducting in order to murder.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,...	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto, ...	Ditto, ...	Ditto, ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
370	Buying or disposing of any person as a slave,	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
371	Habitual dealing in slaves, ...	May arrest without warrant.	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto, ...	Ditto, ...	Ditto.	Imprisonment of either description for 10 years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
374	Unlawful compulsory labor.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
380	Theft in a building, tent, or vessel,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Theft.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
381	Theft by clerk or servant of property in possession of master or employer.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years and fine.	Court of Session or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.

Of Extortion.

384	Extortion, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

385	Putting or attempting to put in fear of injury, in order to commit extortion.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life.	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Robbery and Dacoity.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
392	Robbery, ...	May arrest without warrant.	Warrant,... ...	Not bailable, ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.
	If committed on the highway between sunset and sunrise.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery, ...	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

396	Murder in dacoity, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
399	Making preparation to commit dacoity.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 10 years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto, ...	Ditto, ...	Ditto, ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Misappropriation of Property.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7 By what Court triable.
403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If by clerk or person employed by deceased.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust, ...	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
408	Criminal breach of trust by a clerk or servant.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of the receiving of Stolen Property.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

Of Cheating.

417	Cheating, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
419	Cheating by personation, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the altering or destroying of a valuable security	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Fraudulent Deeds and Dispositions of Property.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	Of Mischief.					
426	Mischief, ...	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

427	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
428	Mischief by killing, poisoning, maiming, or rendering useless, any animal of the value of 10 Rupees or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 Rupees or upwards.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto,... ...	Ditto, ...	Ditto, ...	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark, or by exhibiting false lights.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Mischief.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
435	Mischief by fire or explosive substance, with intent to cause damage to amount of 100 Rupees or upwards.	May arrest without warrant.	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.

438	The mischief described in the last Section when committed by fire or any explosive substance.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
439	Running vessel ashore with intent to commit theft, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass, ...	May arrest without warrant.	Summons,... ...	Bailable,... ...	Imprisonment of either description for 3 months, or fine of 500 Rs., or both.	Any Magistrate.
448	House-trespass, ...	Ditto, ...	Warrant, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine of 1,000 Rs., or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 2 years, and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft, ...	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.

453	Lurking house-trespass or house-breaking.	May arrest without warrant, ...	Warrant, ...	Not bailable, ...	Imprisonment of either description for 2 years, and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft, ...	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 5 years, and fine.	Court of Session, or Magistrate of the District.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
	If the offence is theft, ...	May arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 14 years, and fine.	Court of Session, or Magistrate of the District.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto, ...	Ditto, ...	Bailable,... ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	May arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
468	Forgery for the purpose of cheating,	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XVIII.—OFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 3 years, and fine.	Court of Session.
471	Using as genuine a forged document which is known to be forged.	Ditto, ...	Ditto, ...	Ditto, ...	Punishment for forgery.	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto, ...	Ditto, ...	Not bailable, ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.

474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If the document is a valuable security or will.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or as above.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in Section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
	Of Trade and Property-Marks.					
482	Using a false trade or property-mark with intent to deceive or injure any person	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 1 year, or fine, or both	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.—*(Continued.*

Of Trade and Property-Marks.—(Continued.)

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto, ...	Summons, ...	Ditto, ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
488	Making use of any such false mark,	Ditto, ...	Ditto, ...	Ditto, ...	Ditto,	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons, ...	Bailable, ...	Imprisonment of either description for 1 month, or fine of 100 Rs., or both.	Magistrate of the District, or subordinate Magistrate of 1st Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 3 months, or fine of 200 Rs., or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employée is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto, ...	Ditto, ...	Bailable, ...	Imprisonment of either description for 7 years, and fine.	Ditto.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto, ...	Ditto, ...	Not bailable, ...	Imprisonment of either description for 10 years, and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, and fine.	Ditto.

497	Adultery.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
	CHAPTER XXI.—OF DEFAMATION.					
500	Defamation, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Simple imprisonment for 2 years. or fine, or both.	Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto, ...	Ditto, ...	Ditto, ...	Ditto, ...	Ditto.
	CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.					
504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto, ...	Ditto, ...	Not bailable, ...	Ditto, ...	Magistrate of the District.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.—*(Continued.)*

1. Section.	2. Offence.	3. Whether the Police may arrest without warrant or not.	4. Whether a warrant or a summons shall ordinarily issue in the first instance.	5. Whether bailable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
506	Criminal intimidation, ...	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If threat be to cause death or grievous hurt, &c.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
507	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 2 years, in addition to the punishment under above Section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto, ...	Ditto, ...	Ditto, ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District.

509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Shall not arrest without warrant.	Warrant, ...	Bailable, ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person,	Ditto, ...	Ditto, ...	Ditto, ...	Simple imprisonment for 24 hours, or fine of 10 Rs., or both.	Any Magistrate.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term, and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

ACT No. XXXIII. OF 1861.

An Act to amend the Schedule annexed to the Code of Criminal Procedure.

[*Passed the L. C. on the* 16*th November* 1861, *but not received assent of the G. G. when this went to Press.*]

Whereas it is expedient to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows—

Amendment of the Schedule as regards Section 379 of the Penal Code.

I. In lieu of the words "Court of Session or Magistrate of the District" in Column 7 of the Schedule annexed to the Code of Criminal Procedure, referring to Section 379 of the Indian Penal Code, there shall be read the words "Court of Session or any Magistrate."

Amendment of the Schedule as regards Section 457 of the Penal Code.

II. In lieu of the words "Court of Session or Magistrate of the District" in the two clauses of Column 7 of the said Schedule referring to the Provisions contained in Section 457 of the Indian Penal Code, there shall be read the words "Court of Session or Magistrate of the District, or Subordinate Magistrate of the 1st Class."

Construction.

III. This Act shall be read and taken as part of the Code of Criminal Procedure.

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